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COLLECTION

OF THE

PARLIAMENTARY

DEBATES

IN
ENGLAND,

FROM

THE YEAR M, DC, LXXII,

VOL. VII.

MDCCLII.

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DEBATES

ENGLAND

THE YEAR MDC LXXIII

VOL. VII

MDC LXXIII

A
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OF THE
PARLIAMENTARY
DEBATES
IN
ENGLAND,
FROM
The YEAR M, DC, LXVIII,
To the present TIME.
VOL. VII.

Printed in the Year, M, DCC, XLI.

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(1)

Parliamentary Debates.

*Parliament of Great Britain meets Nov. 21,
1717.*

ON *Thursday* the 21st of *November*, the Parliament being met, pursuant to the last prorogation, the King came to the house of Peers, and being in his royal robes seated on the Throne, with the usual solemnity, Sir *William Oldes*, Gentleman Usher of the *black-rod*, was sent with a message from his Majesty to the house of Commons, commanding their attendance in the house of Peers. The Commons being come thither accordingly, his Majesty was pleased to make a most gracious Speech, which, by his Majesty's command, was read to both houses, by the Lord High Chancellor, as follows :

My Lords and Gentlemen,

I AM very glad I have been able to bring the ^{The King's} sitting of Parliament into a more proper and ^{speech.} usual season of the year : I hope, such an early meeting will not only be a benefit to the public, but a convenience to your private affairs.

As I have always had at heart the security and ease of my people ; so I never kept up any troops but for their protection, and have taken every opportunity to disband as many as I thought consistent with their safety, I have reduced the army to very near one half since the beginning of the

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‘ last Sessions of Parliament, and lessened them to
 ‘ such a number, as will neither be a burthen to my
 ‘ subjects, nor an encouragement to our Enemies to
 ‘ insult them.

‘ You cannot but be sensible of the many attempts
 ‘ which have been set on foot to disturb the peace of
 ‘ *Europe*, and of these kingdoms : They only pre-
 ‘ tend not to see, who are not afraid of them. But
 ‘ as no application has been wanting, on my part,
 ‘ to preserve the public tranquillity, I have the plea-
 ‘ sure to find my good offices have not been altoge-
 ‘ ther unsuccessful, and have reason to hope they
 ‘ will, in the end, have their full and desired effect.

Gentlemen of the house of Commons,

‘ I question not but you are very well pleased to
 ‘ find, that your endeavours for lessening the natio-
 ‘ nal debts have, at the same time, raised the pub-
 ‘ lic credit ; and that whatever was proposed for
 ‘ that end, is actually and compleatly effected.
 ‘ This success must chiefly be attributed to that just
 ‘ and prudent regard you have shewn to parliamen-
 ‘ tary engagements.

‘ It was with the view of procuring and settling a
 ‘ lasting tranquillity that I demanded the extraordi-
 ‘ nary supply which you granted me last session.
 ‘ The credit which this confidence reposed in me
 ‘ hath given us abroad, has already been so far ef-
 ‘ fectual, that I can acquaint you we have a much
 ‘ better prospect than we had. I have ordered an
 ‘ account to be laid before you of the very small
 ‘ part of that supply which as yet has been expend-
 ‘ ed ; any farther issues that may be made of it, shall
 ‘ be laid before you : And you may be assured,
 ‘ that every part of it shall either be employed for
 ‘ your service, or saved to the public.

‘ I have ordered to be laid before you a state of
 ‘ the deficiencies of the present year, and the several
 ‘ estimates for the service of the next, which you
 ‘ will

‘ will find considerably diminished. I rely upon
‘ your making the necessary provision for them ;
‘ not doubting the continuance of that zeal for
‘ the good of your country, which hath been so
‘ eminently conspicuous in every session of this Par-
‘ liament.

‘ I cannot, in justice, avoid putting you in mind,
‘ that several arrears of pay and subsidy, incurred
‘ before my accession to the crown, are claimed by
‘ foreign Princes and States : I shall order them to
‘ be laid before you, to the end, you may put them
‘ in a method of being examined and stated, which
‘ will very much tend to the honour and credit of
‘ the nation.

My Lords and Gentlemen,

‘ I could heartily wish, that at a time when the
‘ common enemies of our religion are, by all man-
‘ ner of artifices, endeavouring to undermine and
‘ weaken it both at home and abroad, all those who
‘ are friends to our present happy establishment,
‘ might unanimously concur in some proper method
‘ for the greater strengthening the Protestant inte-
‘ rest ; of which, as the church of *England* is un-
‘ questionably the main support and bulwark, so
‘ will she reap the principal benefit of every advan-
‘ tage, accruing by the union and mutual charity
‘ of all Protestants.

‘ As none can recommend themselves more ef-
‘ fectually to my favour and countenance, than by
‘ a sincere zeal for the just rights of the crown, and
‘ the liberties of the people, so I am determined to
‘ encourage all those who act agreeably to the con-
‘ stitution of these my kingdoms, and consequently
‘ to the principles on which my government is
‘ founded.

‘ The eyes of all *Europe* are upon you at this criti-
‘ cal juncture : It is your interest, for which reason I
‘ think it mine, that my endeavours for procuring

‘ the peace and quiet of Christendom should take
 ‘ effect ; nothing can so much contribute to this
 ‘ desirable end, as the unanimity, dispatch, and vi-
 ‘ gour of your resolutions for the support of my
 ‘ government.’

The Lords
 vote an ad-
 dress of
 thanks.

The King being retired, the Lords voted an ad-
 dress of thanks to his Majesty, and appointed a
 Committee to draw up the same.

The Commons being returned to their house,
 and the Speaker having reported his Majesty’s
 speech, the Lord *Hinchinbrooke* moved, ‘ That an
 ‘ humble address be presented to his Majesty, re-
 ‘ turning the humble thanks of this house for his
 ‘ most gracious speech from the Throne, and for his
 ‘ great goodness in assembling his Parliament so ear-
 ‘ ly in the year : That this house is highly sensible
 ‘ of his Majesty’s concern for the welfare of his
 ‘ people, by the seasonable reductions which he has
 ‘ been pleased to make from time to time of his
 ‘ land-forces: That his Majesty’s unwearied endea-
 ‘ vours to prevent the many attempts which have
 ‘ been made to disturb the peace of *Europe*, and the
 ‘ quiet of these kingdoms, demand the utmost
 ‘ thanks and acknowledgements of this house : And
 ‘ that this house will effectually support his Majes-
 ‘ ty in such measures as he shall judge necessary to
 ‘ attain so desirable an end : That his Majesty’s gra-
 ‘ cious expressions and assurances touching the sup-
 ‘ ply granted last session, do give the greatest satis-
 ‘ faction to this house : And that this house will
 ‘ grant his Majesty such supplies as shall effec-
 ‘ tually provide for the public service : That the
 ‘ Commons have the most grateful sense of the ten-
 ‘ der concern which his Majesty has been pleased to
 ‘ express for the Protestant religion, especially for
 ‘ the church of *England* as by law established ; and
 ‘ are resolved, on their part, to consider of the most
 ‘ effectual

‘ effectual methods for strengthening the Protestant
 ‘ interest of these Kingdoms.’ The Lord *Hickin-*
brooke was seconded by the Lord *Morpeth*, and op-
 posed by no body, so that the said address was vot-
 ed, *nemine contradicente*, and a Committee appoint-
 ed to draw up the same.

The Com-
 mons vote
 an address of
 thanks.

The next day the Lords waited on the King with
 their address, which was as follows :

Most gracious Sovereign,

‘ **W**E your Majesty’s most dutiful and loyal
 ‘ subjects, the Lords spiritual and temporal
 ‘ in Parliament assembled, do return your Majesty
 ‘ our humble thanks for your most gracious speech
 ‘ from the Throne, and for your regard to the con-
 ‘ veniency of your subjects, in meeting them so ear-
 ‘ ly in Parliament ; and beg leave to express to your
 ‘ Majesty the just sense we have of your great con-
 ‘ cern for the ease of your people, in disbanding so
 ‘ considerable a number of your forces, and of your
 ‘ care, at the same time, in consulting their safety.
 ‘ We return your Majesty our most humble thanks,
 ‘ for your unwearied endeavours and application to-
 ‘ wards preserving and settling the peace and tran-
 ‘ quillity of *Europe*, and of these kingdoms, against
 ‘ the many attempts of all kinds to disturb them ;
 ‘ and cannot sufficiently express our satisfaction, that
 ‘ there is a prospect of success: And do assure your
 ‘ Majesty, that as you have been pleased, in so gra-
 ‘ cious a manner, to declare your interests and those
 ‘ of your people inseparable ; so nothing shall be
 ‘ wanting on our parts, at this critical juncture, to-
 ‘ wards supporting your Majesty with the utmost
 ‘ zeal and vigour, till your Majesty’s endeavours for
 ‘ the quiet of Christendom, and the good of your
 ‘ people, have had their full and desired effect.

Address of
 the Lords.

‘ We have a grateful sense of your Majesty’s con-
 ‘ cern for the Protestant religion, and the church of

‘ *England as by law established ; which, as it has*
 ‘ *always been the chief of the Protestant churches,*
 ‘ *so it can never be so well supported, as by*
 ‘ *strengthening and uniting (as far as may be) the*
 ‘ *Protestant interest.*

To which his Majesty was pleased to return this most gracious answer :

The King's
answer.

I *Thank you for this dutiful and loyal address. The*
zeal you express for the support of my government,
cannot but have the best effect upon our affairs, both at
home and abroad.

* Nov. 23.

The same day, the Lord *Hinchinbrooke* reported to the house of Commons, the address of thanks drawn up in the Committee, of which his Lordship was Chairman, which was agreed to, and the next * day, presented to his Majesty, by the whole house, as follows :

Most gracious Sovereign,

Address of
the Com-
mons.

W *E your Majesty's most dutiful and loyal*
 ‘ *subjects, the Commons of Great-Britain*
 ‘ *in Parliament assembled, crave leave to express our*
 ‘ *gratitude to your Majesty, for your most gracious*
 ‘ *speech from the Throne.*

‘ *Our minds are filled with the most lively sense*
 ‘ *of your Majesty's regard to your people, in bring-*
 ‘ *ing the sitting of Parliament into a more proper*
 ‘ *and usual season of the year : And as your Majes-*
 ‘ *ty has been graciously pleased to consider the con-*
 ‘ *venience of our private affairs in this early meet-*
 ‘ *ing, we shall endeavour to answer your Majesty's*
 ‘ *gracious intentions, by improving it, as much as*
 ‘ *we are able, to the benefit of the public.*

‘ *We are highly sensible of the concern your Ma-*
 ‘ *jesty has shewn for the welfare of your people, by*
 ‘ *the reductions you have been pleased to make,*
 ‘ *from*

‘ from time to time, of the land forces, so soon as
‘ the posture of affairs rendered it safe to these your
‘ kingdoms. It is our peculiar happiness to see our-
‘ selves governed by a Sovereign, who is not in-
‘ fluenced by any notions of greatness that are in-
‘ consistent with the prosperity of his subjects, and
‘ who proposes to himself the ease of his people, as
‘ the chief glory of his reign.

‘ We acknowledge, with hearts full of duty and
‘ gratitude, your Majesty’s unwearied endeavours
‘ to prevent the many attempts which have been set
‘ on foot to disturb the peace of *Europe*, and the
‘ quiet of these kingdoms; and have the more rea-
‘ son to apprehend the ill consequences of such at-
‘ tempts, since there are those, who, as they would
‘ be thought to see no danger in them, give us rea-
‘ son to believe, that they would not be troubled at
‘ their success. We are therefore firmly resolved, in
‘ the most effectual manner, to support your Majes-
‘ ty in such measures as your Majesty, in your great
‘ wisdom, shall judge necessary, to procure the esta-
‘ blishment of the tranquillity of *Europe*.

‘ We receive, with the greatest satisfaction, your
‘ Majesty’s gracious expressions and assurances touch-
‘ ing the extraordinary supply granted last year; and
‘ will cheerfully grant your Majesty such supply as
‘ shall effectually provide for the public service.

‘ It is with unspeakable sorrow of heart, that we
‘ observe the many artifices which are made use of
‘ by the common enemies of our religion, to under-
‘ mine and weaken it both at home and abroad;
‘ And as we have the most grateful sense of the ten-
‘ der concern which your Majesty has been pleased
‘ to express for the Protestant religion, and espec-
‘ ally for the main support of it, the church of *Eng-
‘ land* as by law established; so we are resolved, on
‘ our part, to consider of the most effectual me-
‘ thods for strengthening the Protestant interest of
‘ these kingdoms.

‘ It is a pleasure to us, that the eyes of all *Europe*
 ‘ are turned upon us at this critical juncture, since
 ‘ we have thereby an opportunity of shewing the
 ‘ world the just confidence we repose in your Ma-
 ‘ jesty, and our unshaken resolutions to support your
 ‘ government, in such manner as shall enable
 ‘ your Majesty to settle the peace of Christendom.’

To which the King was pleased to return the following most gracious answer:

Gentlemen,

The King's
answer.

I Thank you for the repeated assurances you have given me in this dutiful and loyal address, of your affectionate support and assistance in the present juncture of affairs. I expected no less from a house of Commons so affectionate to my person, and so zealous for the public welfare.

Some motions were said to have been made to add certain clauses to those addresses, in relation to disbanding the troops, and to the liberty of dissenters; upon which last point, a certain member desired to know, ‘ Whether the dissenters were
 ‘ to come over to the church, or the church
 ‘ to go over to them?’ However, things were carried with more temper; nor was it doubted, but that matters would be so accommodated, as to make the dissenters easy and the church safe.

It took up some time in both houses to make their compliments of felicitation to the King, the Prince and Princess, on the birth of the young Prince: This was done by addresses to the King, and by messages to the Prince and Princess; all which were received and returned with great testimonies of satisfaction, as they were presented with appearances of zeal and affection.

In the mean time the house of Commons began to enter upon business; and on the 25th of November re-
 ported

ported and voted a supply to his Majesty in general; after which, as of course, they called for estimates and accompts, to see what was wanted, to settle the establishment of the army, navy, ordnance, &c. as usual; all which were laid before them by the proper officers; and this was, in effect, the whole business of that month.

On the 2d of *December*, the house resolved itself into a grand Committee to consider of the supply, and came to several resolutions, which being reported the next day, were agreed to by the house, and are as follow: I. That 10,000 men be allowed for the sea-service for the year 1718. II. That 4 *l.* per man per month be allowed for maintaining the said 10,000 men for 13 months, (that is to say, the sum of 520,000 *l.*) including the ordnance for sea-service. III. That the sum of 224,857 *l.* 14 *s.* 11 *d.* be granted for the ordinary of the navy, for the year 1718, including half-pay.

Mean while there was but a very thin house, which indeed they took notice of themselves, and resolved to do their country justice in this point, by obliging their members, how remote soever, to discharge their duty, and give their attendance in Parliament; to which end, they were no sooner met, than one of their first steps was to appoint a call of their house; which was accordingly called over this day (*December 3.*) when many of the members were absent; and some of them were excused upon account of business, or sickness; but others, for whom no sufficient excuse was made, had days appointed them peremptorily to appear: And the next day it was ordered, that the several members, who had made default to appear at the call of the house, and had particular days appointed them for attending the service of the house, should be taken into custody of the Serjeant at arms, if they failed to attend at the day appointed. This day, for some of the absent members, was the 10th of that month;

month ; when all of them either appeared, or sent such excuses as were allowed of, except *George Pitt* of *Shroton*, Esq; whose excuse not being satisfactory, he was ordered into custody : Other members were appointed to attend on the 12th ; and of these the following gentlemen either sent no excuse at all, or the excuses they did send were not allowed of, and they were likewise ordered into custody, viz. *Sir William Lowther*, *William Northmore*, *John Rolle*, *Charles Cecil*, and *Charles Bertie*, Esqrs. In short, the sum of it was, that these gentlemen being all taken into custody, were, after some time, upon their motion to the house, discharged, paying their fees as usual. But lest this should not quicken others to attend, another order was made at the time of the *Christmas* recess, viz. That *Mr. Speaker* do write circular letters to the Sheriffs and Stewards of the several counties, &c. of *Great-Britain*, requiring the attendance of all their members on the 13th of *January* ; and declaring, that they would proceed with the utmost severity against such members as should not then attend, if their excuses were not allowed of : And thus stood the affair of the absenting members at the time of the recess. We now go back to the other proceedings of the house.

Dec. 4. A motion was made for a supply for maintaining the guards and garrisons in *Great-Britain* for the year 1718, according to the estimate laid before the house : This motion was opposed by several members, among the rest, by *Mr. Shippen*, *Sir William Windham*, and *Mr. Robert Walpole*, which last made a speech that lasted above an hour, wherein, besides the common topic of the danger of a standing army in a free nation, he insisted on four principal points, viz. 1. ' That whereas they were given to understand, that the army was reduced to 16,000 and odd men, it still consisted of above 18,000, which was one third part more than the number of land forces

Mr. Walpole's speech.

‘ forces in *Great-Britain* amounted to formerly in
 ‘ time of peace. 2. That there was no due propor-
 ‘ tion observed, either between the number of horse,
 ‘ dragoons, and foot, or between the number of the
 ‘ officers and soldiers that were kept standing ; inso-
 ‘ much, that of about 11000 *l.* which the pay of a
 ‘ reduced regiment of foot amounts to, near 7000 *l.*
 ‘ goes towards the pay of the officers, and 4000 *l.* on-
 ‘ ly to the private soldiers. 3. That the keeping
 ‘ up so great a number of officers, was, in effect, the
 ‘ maintaining of an army almost double of what
 ‘ was intended, since the soldiers that were wanting
 ‘ to compleat the companies and regiments, might
 ‘ be raised with a drum in twice four and twenty
 ‘ hours. And, in the 4th place, That the pay of
 ‘ general officers, which amounted to above 20,000 *l.*
 ‘ was an expence altogether needless, and unprece-
 ‘ dented in time of peace.’ All which particulars Mr.
Walpole enlarged upon, and made good his assertions
 by proper vouchers. Mr. *Craggs*, jun. as was in-
 cumbent on his office of Secretary at war, answered
 Mr. *Walpole*. He observed in general, ‘ That in all
 ‘ wise governments, the security of the state is the
 ‘ rule chiefly to be regarded ; and that his Majesty,
 ‘ both in the augmentation and the reduction of his
 ‘ forces, had not only consulted the *safety*, but like-
 ‘ wise the *ease* of his people. That though, as was
 ‘ suggested, the nation paid at present near 18000
 ‘ men, yet there were only 16347 who could give
 ‘ any jealousy, unless some people should think our
 ‘ liberties in danger, from the Chaplains, Surgeons,
 ‘ Widows of Officers, and such harmless, inoffensive
 ‘ persons, who were included in the first number :
 ‘ That therefore there are not much above 4000
 ‘ men more now in *Great-Britain*, than there were
 ‘ kept up after the peace of *Ryswick*, which number
 ‘ must be thought very moderate, by all who wish
 ‘ well to the present happy settlement, considering,
 ‘ that

Mr. Craggs's
speech.

‘ that the embers of an unnatural rebellion lately extinguished, were still warm, and the discontents industriously fomented by the enemies of the government : That the Parliament had ever contented themselves with fixing the number of the forces that were thought necessary to be maintained, but had left to the crown the manner of reducing and modelling that number ; and therefore, if they should now do otherwise, it would be but an indifferent return to that gracious and tender regard which, on all occasions, his Majesty has shewn to the security and ease of his subjects. That after all, it is no less a piece of justice than matter of prudence, to keep us as great a number of officers as possible ; for, besides the occasion which the nation may have for them for the future, it is but reasonable to acknowledge the past eminent services of gentlemen, who having been brought up to no other trade but war, had no other way to subsist and provide for themselves and families.’

Mr. Craggs was backed by several members, particularly Mr. Aislaby, Treasurer of the navy, Mr. Richard Hampden, and Mr. John Smith, two of the Tellers of the Exchequer, Mr. Coventry one of the Comptrollers of the Green-cloth, Mr. Bladen, one of the Commissioners of Trade, and Mr. Barrington Shute, who chiefly insisted on the necessity of keeping up 16000 men, at least, one year longer. Sir David Dalrymple was of the same opinion, and to that purpose urged, ‘ That the discontents run still as high in Scotland as before the late rebellion ;’ for which he alledged several reasons. Mr. Walpole, who spoke once or twice more, Mr. Bromley, Mr. Freeman, General Erle, and some other gentlemen, were, on the contrary, of opinion, That 12000 men were sufficient ; and the debate having lasted till a quarter past six, the question was going to be put, Whether the number should be 16 or 12000 ? When Mr. Shippen standing up, made the following speech :

S I R,

S I R,

I Congratulate the honourable person below, ^{Mr. Shippen's speech} [General Lu—y] on his being restored to the good opinion of the learned gentleman who spoke last, [Sir J. J—], for it is not long since he complimented (I will not say flattered) another, at the expence of that honourable person, and most of the general officers in this kingdom.

But as to the question before us, 'tis my misfortune to differ from the learned gentleman in all he hath advanced, which, when stripped of some excursions, may be reduced to these two propositions:

That the only danger of continuing the army is the expence of it.

That we ought to comply with the number of forces proposed, because it is demanded by the King, who is the best judge of our necessities.

I do not object to the first reason, that the phrase is ambiguous, and that it is difficult to know what he means by the danger of the expence; but, if I understand him, the answer is obvious. For tho' the expence is doubtless a matter highly deserving the consideration of this house, whose business and duty it is to dispose of the public money with the utmost frugality; yet it is by no means the chief, or only argument against keeping up an army in time of peace. The chief argument, with great submission, is, That the civil and military power cannot long subsist together; that a standing army in time of peace will necessarily impede the free execution of the laws of the land. And 'tis therefore very extraordinary that the expence should be thought the only danger (to use his own terms) of a standing army, by a person whose profession and present station oblige him to make those laws his first

‘ first care ; and that it should be urged as such in
‘ this place, where so many millions have been chear-
‘ fully granted for the defence of them.

‘ The second reason is no more conclusive than
‘ the first, as I hope to make appear in the sequel of
‘ what I have to offer.

‘ Gentlemen have insisted much on the great
‘ grace and favour shewn, in reducing the army
‘ since the beginning of the last session ; and I pre-
‘ sume not to say, that we were deceived into the
‘ vote then given for maintaining thirty two thou-
‘ sand men, because we always proceed with the ut-
‘ most caution and circumspection, and because the
‘ deep designs of the *Swedish* plot, which occasioned
‘ such terrible apprehensions amongst us, have since
‘ been fully discovered to the world.

‘ But however wisely it was then done, I hope
‘ never again to see, either the same number, or near
‘ the same corps, after some artful reductions, con-
‘ tinued in this nation in time of peace, on any
‘ pretence, on any apprehensions whatsoever.

‘ I will not trouble you, Sir, with my remarks on
‘ the fallacy of those reductions. They have been
‘ sufficiently exposed by a gentleman [Mr. *W——le*]
‘ who is better informed of the secret of that affair,
‘ and who (I am glad to find) when he is contend-
‘ ing for the service of his country, is no more afraid
‘ than my self, of being called a *Jacobite*, by those,
‘ who want other arguments to support their debates.

‘ Our present consideration is, whether there are
‘ any reasons to induce us, as our circumstances now
‘ stand, to keep up above sixteen thousand men,
‘ with officers for almost double that number ; and
‘ whether, if we should consent to keep them up,
‘ we should act (as his Majesty desires we should)
‘ agreeably to the constitution of these kingdoms,
‘ and consequently to the principles on which his go-
‘ vernment is founded.

‘ Now

‘ Now in virtue of that freedom of speech we are
 ‘ all entitled to, I beg leave to declare my opinion,
 ‘ That the keeping up the number proposed, is so
 ‘ far from being necessary to our protection, that it
 ‘ will be inconsistent with our safety, and an exces-
 ‘ sive burthen to his Majesty’s good subjects. Nor
 ‘ do I think it possible any arguments can be invent-
 ‘ ed (none I am sure have been yet offered) to incline
 ‘ an house of Commons at this time, when we are
 ‘ in a profound tranquillity, some domestic feuds ex-
 ‘ cepted, to submit to that, which every member,
 ‘ every lover of liberty, must own, abstractly con-
 ‘ sidered, to be a grievance, and such a one, as
 ‘ ought never to be submitted to, but in that most
 ‘ desperate and deplorable circumstance, where it is
 ‘ to be chosen as the less evil.

“ I know these assertions interfere with what is
 “ laid down in the second paragraph of his Majesty’s
 “ speech. But we are to consider that speech as the
 “ composition and advice of his Ministry, and are
 “ therefore at liberty to debate every proposition in
 “ it; especially * those which seem rather calculated
 “ for the meridian of *Germany*, than of *Great-Bri-*
 “ *tain*.

“ ’Tis the only infelicity of his Majesty’s reign,
 “ That * he is unacquainted with our language and
 “ constitution; and ’tis therefore the more incum-
 “ bent on his *British* ministers to inform him, That
 “ our government does not stand on the same foun-
 “ dation with his *German* dominions, which, by
 “ reason of their situation, and the nature of their
 “ constitution, are obliged to keep up armies in
 “ time of peace. Nor is it the least to be wonder-
 “ ed at, that his Majesty, who hath spent the ear-
 “ lier part of his life in those dominions, should

* These were the two passages which gave offence, and for which he was
 committed to the Tower.

“ think

“ think sixteen or even thirty two thousand men,
 “ might be continued in so rich and powerful a na-
 “ tion as this is, without being a burthen to it.
 “ But when he shall come to understand that the
 “ smaller number, in time of peace, would be de-
 “ structive to that security and ease of his people
 “ for which he expresses so tender a regard, he will
 “ doubtless be convinced, that those act most con-
 “ formably to their duty and his interest, who (as
 “ true subjects of *Great-Britain*) are against conti-
 “ nuing more troops, than have been usually thought
 “ and found sufficient, in the same situation of af-
 “ fairs, for the support of the crown and the safety
 “ of the kingdom.

‘ I am therefore at a loss to conceive how gentle-
 ‘ men can persuade themselves, that the complying
 ‘ with this extraordinary demand would promote his
 ‘ Majesty’s service. For it supposes not only a dis-
 ‘ trust, but a weakness in the Government ; as if nei-
 ‘ ther the affections of the people at home, nor the
 ‘ treaties of our Allies abroad, were to be depended
 ‘ on : Which is a thought so injurious, so contra-
 ‘ dictory to some solemn assurances from the Throne,
 ‘ that no one will presume to advance it openly in
 ‘ this house, or elsewhere ; and yet it is all, in my
 ‘ humble apprehension, included in this motion.
 ‘ Nothing, indeed, can alienate the hearts of the peo-
 ‘ ple from his Majesty ; but such attempts have
 ‘ formerly proved fatal to Princes of less consum-
 ‘ mate wisdom and virtue. Nor are we to imagine,
 ‘ that the same grievance is not equally mischievous
 ‘ in the reign of a good Prince, as of a bad one.
 ‘ ’Tis sometimes more so, because less expected,
 ‘ and less guarded against.

‘ Surely his Majesty will have no just cause to
 ‘ doubt the continuance of that zeal for the good of
 ‘ our country, which (he is pleased to say) hath
 ‘ been so eminently conspicuous in every session of
 ‘ this

Parliament, if we make the fate of other nations a document to ourselves on this occasion ; if we think, that the keeping up a larger number of forces, than is absolutely necessary, too dangerous an experiment to be often repeated.

Let gentlemen look round *Europe*, and they will find, That some of the freest and bravest people in it, have, by this very method, lost their liberties. They will find, That the civil power was from time to time drawn in, by pretended exigencies, to allow and maintain an armed force in peace ; which, as they at first thought, and were instructed to believe, was intended to add strength to their authority, to secure them in their possession of their religious and political rights, to watch the ambitious designs of their neighbour nations, and to preserve the ballance of power. Glorious intentions, if they had proved real ! But though they used all possible precautions, though they made it the condition of their establishment, That the forces should be disbanded, when the extraordinary occasion for which they were raised ceased, yet they perceived too late that their condition was not binding, That they had erected a power superior to themselves, That the soldiery, when they had tasted the sweets of authority, would not part with it, and, that even their Princes (after these temporary concessions made to them) began to think, that ruling by an army was a more easy, a more compendious way of government, than acting under the restraints and limitations of the laws of their country. And now they wear the chains, which they put round their own necks, and lament the loss of that freedom, which they unhappily consented to destroy, and which could never have been destroyed without their consent.

But there is no need of fetching arguments on this subject from foreign nations. Our own is too well acquainted with the effects of continuing an

‘ armed force in peace, not to apprehend every thing
 ‘ from it, be the pretence never so specious.

‘ ’T would be mispending our time, to recount the
 ‘ mischiefs which have from hence happened to this
 ‘ nation ; and I will not run back to former reigns.
 ‘ But I cannot forbear observing (what [Mr. *Snell*]
 ‘ my very good friend near me hath already hinted)
 ‘ that it was the great grievance complained of in
 ‘ the bill of rights, and was that from which the re-
 ‘ volution was to deliver us. King *William* himself,
 ‘ after the peace of *Ryswick*, could not obtain above
 ‘ ten thousand men, though he had then a more en-
 ‘ terprizing, and a more powerful prince to deal
 ‘ with, than any now in this part of the world. And
 ‘ the proceeding of that house of Commons must be
 ‘ ever justified by those, who have the least concern
 ‘ for our constitution, notwithstanding some un-
 ‘ grounded insinuations, that it involved us in a long
 ‘ and expensive war. Besides, it is every year de-
 ‘ clared in the act of mutiny and desertion, That
 ‘ the keeping up a standing army in time of peace
 ‘ is against law ; and, as the freeing us from it was
 ‘ one of the ends of the revolution, so no doubt the
 ‘ preserving us for ever from an attempt of the like
 ‘ nature, was one of those innumerable glorious ad-
 ‘ vantages proposed by the act of succession.

‘ But it hath been urged, That the consent of
 ‘ Parliament reconciles all ; and that forces so conti-
 ‘ nued are not to be accounted a standing army, be-
 ‘ cause they are intended to keep out a standing ar-
 ‘ my ; which, (with the noble Lord’s leave, [Lord
 ‘ *Morpeth*] who makes the distinction) is a notion
 ‘ too fine, too chimerical to be maintained.

‘ I know, indeed, it is explained both in the bill of
 ‘ rights, and in the act of mutiny and desertion,
 ‘ that the keeping up a standing army in time of
 ‘ peace is illegal, only, if done without consent of
 ‘ Parliament : Now this in no sort weakens the ar-
 ‘ gument, as to the inconvenience and oppression, of
 ‘ which

‘ which I am speaking. For tho’ the Parliament in
‘ these declaratory laws, seems to put in its claim on-
‘ ly against the incroachments of the crown, from
‘ whence it supposed such oppressions were more
‘ likely to come, than from the representatives of the
‘ people ; yet the consent of Parliament cannot alter
‘ the nature of things, cannot hinder the same causes
‘ from producing the same effects. An army, tho’
‘ kept up by the consent of Parliament, will, like
‘ other armies, soon know its own strength, will, in
‘ probability, pursue the dictates of self-preservation,
‘ and rather choose to dissolve that authority with
‘ which it is incompatible, than tamely submit to
‘ its own dissolution. An army, tho’ kept up by
‘ consent of Parliament, if it hath no enemies abroad,
‘ will be apt to make depredations at home ; and I
‘ wish there hath not been something of that kind
‘ done this last year : I wish we have no complaints
‘ from some of our own most considerable parliamen-
‘ tary corporations, of soldiers demanding free
‘ quarter, and insulting the chief Magistrates for ex-
‘ erting the power we have lodged with them, and
‘ endeavouring to redress the grievances of the poor
‘ inn-keepers and inhabitants. Nay, the consent of
‘ Parliament is so far from altering the nature and
‘ genius of armies, that a Parliament army (consist-
‘ ing of about the number now demanded) once
‘ committed greater outrages, and gave a deeper
‘ wound to the constitution, than all the armies of
‘ the crown have ever done ; and that army was the
‘ creature of a Parliament which had established it-
‘ self. But, if we were to admit, for argument sake,
‘ that the consent of Parliament could make armies
‘ more tame and ductile than they would otherwise
‘ be, I think, however, it would not be advisable
‘ for a Parliament, that intends to act rationally,
‘ and agreeably either to the principles on which his
‘ Majesty’s government or its own power is found-
‘ ed,

‘ ed, to familiarize a military force to this free na-
 ‘ tion. For the very name and terror of it would
 ‘ (without opposition) awe and subdue the spirits of
 ‘ the people, extinguish their love of liberty, and
 ‘ beget a mean and abject acquiescence in slavery.

S I R,

‘ We have already suspended some laws, and re-
 ‘ pealed others, to comply with the necessities of the
 ‘ administration : But pray let us not go farther, let
 ‘ us not go on to continue the army, or the greatest
 ‘ part of it : For so long as it is continued, so long
 ‘ is the whole constitution suspended, or, at least, in
 ‘ the mercy of those whom we arm against it.

In this speech he overshot himself so far in his ex-
 pressions, as to give too much advantage against him,
 to such as perhaps were not over-backward to lay
 hold of it : His words that gave the offence were to
 the following purpose, *That the second paragraph of*
the King's speech seemed rather to be calculated for the
meridian of Germany, than Great-Britain ; and that
'twas a great misfortune, That the King was a Stranger
to our language and constitution. These expressions
 gave offence to several members, and in particular to
 Mr. Leckmere, who having taken them down in
 writing, urged, ‘ That those words were a scanda-
 ‘ lous invective against the King's person and go-
 ‘ vernment, of which the house ought to shew the
 ‘ highest resentment, and therefore moved, That
 ‘ the member who spoke those offensive words
 ‘ should be sent to the Tower.’ Mr. Leckmere was
 seconded by Mr. Cowper, brother to the Lord
 Chancellor, and back'd by Sir Joseph Jekyll, and
 some others : Upon which Mr. Robert Walpole said,
 ‘ That if the words in question were spoken by the
 ‘ member on whom they were charged, the Tower
 ‘ was too light a punishment for his rashness ; but
 ‘ as

‘ as what he had said in the heat of this debate
 ‘ might have been misunderstood, he was for allow-
 ‘ ing him the liberty of explaining himself.’ Mr.
Snell, Mr. *Hutchinson*, and some other gentlemen,
 spoke also in behalf of Mr. *Shippen*, intending, chief-
 ly, to give him an opportunity of retracting or ex-
 cusing what he had said; which Mr. *Shippen* not
 thinking proper to do, several speeches were made,
 upon the question, Whether the words taken down
 in writing were the same as had been spoken? A
 gentleman having suggested, That there was no
 precedent of a censure passed on a member of the
 house, for words spoken in a Committee, Sir *Charles*
Hotbarn produced instances of the contrary; and,
 on the other hand, Mr. *Shippen* having maintained
 what he had advanced, it was, at last, resolved, by
 a majority of 196 voices against about 100, That
 the words taken down in writing were spoken by
 Mr. *Shippen*. It was then about nine o’clock in the
 evening, and it being moved and carried, That the
 Chairman leave the chair; Mr. *Speaker* resumed his
 place, and Mr. *Farrer* reported from the said Com-
 mittee, ‘ That exceptions having been taken to some
 ‘ words spoken in the Committee, by *William Ship-*
 ‘ *pen*, Esq; a member of the house, the Committee
 ‘ had directed him to report the words to the house.’
 Which being done accordingly, and candles ordered
 to be brought in, Mr. *Shippen* was heard in his place,
 and then withdrew. After this it was moved, that
 the question might be put, ‘ That the words spoken
 ‘ by *William Shippen*, Esq; (a member of this house)
 ‘ are highly dishonourable to, and unjustly reflecting
 ‘ on his Majesty’s person and government.’ Which
 occasioned a debate that lasted ’till past 11 o’clock;
 when the question being put, was carried in the af-
 firmative by 175 voices against 81; and thereupon
 ordered, ‘ That *William Shippen*, Esq; be, for the
 ‘ said offence, committed prisoner to his Majesty’s
 ‘ Tower

‘ Tower of *London*, and that Mr. *Speaker* do issue
 ‘ his warrant accordingly.’

Dec. 5. The Commons went again into a grand Committee, to consider further of the supply, and after a small debate, it was resolved, That the number of guards and garrisons in *Great Britain*, &c. be 16347 effective men, and that the sum of 681,618 *l.* be granted for maintaining them. *Note*, This Establishment was for *Great Britain*, and the Islands of *Jersey* and *Guernsey* only, without including the forces abroad, viz. the troops in the plantations in *America*, the garrisons in the island of *Minorca*, in the town of *Gibraltar*, the garrisons of *Placentia* and *Annapolis*, and of the islands *Bahama* and *Providence*.

In this day’s debate *Edward Jeffereys*, Esq; spoke as follows :

S I R,

Mr. *Jefferey*’s speech.

‘ I Shall not waste the time of the Committee in
 ‘ making an apology for meddling in this ques-
 ‘ tion ; since I apprehend whatever I can yet call
 ‘ my own to be at stake in the event of it. Whe-
 ‘ ther the army shall be disbanded or continued in
 ‘ time of peace ? Whether we shall be governed by
 ‘ the Magistrate or the foldier ? Or, whether we
 ‘ shall be bond or free ? are, in my opinion, questi-
 ‘ ons of the same import.

‘ I think myself justified in saying this, from the
 ‘ examples of most countries in *Europe*. They were
 ‘ once free ; but if it be required, how, from a state
 ‘ of freedom, they sunk into slavery, it will appear,
 ‘ That their common ruin has proceeded from the
 ‘ continuance of regular troops in pay, after the oc-
 ‘ casion for which they were raised was over.

‘ That this island has retained its freedom longer
 ‘ than the countries on the continent, has been im-
 ‘ puted to its situation, which not being so much
 ‘ exposed

‘ exposed to the incursions of its neighbours, there
‘ was not the like pretence for keeping up regular
‘ troops. But the preservation of our liberties to this
‘ time, is, in my opinion, rather to be ascribed, to the
‘ due sense our forefathers had of the danger the
‘ publick underwent, from intrusting Princes with
‘ a standing force in time of peace ; and also to the
‘ measure observed by the house of Commons, in
‘ giving such supplies only, as enabled the Prince to
‘ live in the full enjoyment of his prerogative, with-
‘ out putting it into his power to affect the liberties
‘ of the subject.

‘ From the first credible account of things in this
‘ kingdom, down to King *Charles* the second’s time,
‘ I can find no instance, where the crown kept up
‘ regular troops in time of peace, that of *Richard*
‘ the second excepted.

‘ He lived in a tempestuous age ; he had wars a-
‘ broad, and commotions at home. The first rebel-
‘ lion, headed by *Wat Tyler*, was composed without
‘ shedding the blood of any one of the rebels, save
‘ *Tyler* himself : The King gave them good words ;
‘ they laid down their arms, went home, and were
‘ all pardoned. Another rebellion of the men of
‘ *Kent* and *Essex* broke out, which occasioned the
‘ King’s raising an army of forty thousand men.
‘ The rebels applied by petition to have their liber-
‘ ties and franchises allowed them. But the King
‘ spoke to these in a different style ; and told them,
‘ slaves they were, and slaves they should be. Five
‘ hundred of them were cut to pieces in the field,
‘ and fifteen hundred of them were afterwards exe-
‘ cuted in cold blood.

‘ This severity awed the nation for a while. But,
‘ the discontent of the people afterwards increas-
‘ ing, about the thirtieth year of his reign a Parliament
‘ was called, and to use the Historian’s words, lest I
‘ should offend any tender ear, *all endeavours were*
‘ *used to procure such a Parliament, as would concur*
‘ *with*

‘ *with the King’s designs.* Before they met, forces
 ‘ were raised *to attend and guard the Parliament ;*
 ‘ *which might at the same time be an awe upon any*
 ‘ *refractory members.* Touching the numbers of
 ‘ which this army consisted, History is silent : This
 ‘ only we are given to know, that four thousand of
 ‘ them were archers, and that many of them were
 ‘ *Cheshire-men.* It is not to the present purpose to
 ‘ go over the extravagancies of that Parliament.

‘ Into what a state things were brought by that
 ‘ King’s conduct, appears from an observation made
 ‘ by the same Historian, who says, *That the King*
 ‘ *having thus established his power, and put himself*
 ‘ *beyond all opposition, thought himself secure, and*
 ‘ *an absolute Prince.* But it being laid upon such a
 ‘ foundation, as begat many discontents among the
 ‘ people, all the fabrick proved weak, and was soon
 ‘ followed with lamentable ruin. When that King’s
 ‘ Affairs grew desperate, an oath was required from
 ‘ the Duke of *Lancaster*, afterwards *Henry the*
 ‘ fourth, that he should cause the King to send home
 ‘ the *Cheshire* guard, which was accordingly done.

‘ I observe, in the debate, it has been taken for
 ‘ granted, That the crown of *England* has a right to
 ‘ a number of regular troops, under the denomina-
 ‘ tion of guards. This is a notion I can by no means
 ‘ give into. It was not so *ab antiquo.*

‘ The first guards we hear of (the yeomen of the
 ‘ guard, which were constituted by *Henry the seventh*,
 ‘ being of another kind) were in *Charles the second’s*
 ‘ time. That Prince, immediately after his restora-
 ‘ tion, got together a small number of guards, which
 ‘ at first seemed to be meant only to add to the equi-
 ‘ page and splendor of the Court. But it soon ap-
 ‘ peared, that he had other views : The guards, by
 ‘ adding men to troops and companies, and troops
 ‘ and companies to regiments, were insensibly in-
 ‘ creased ; so that in the year 1677, they were got
 ‘ up to five thousand eight hundred ninety men,
 ‘ Few

‘ Few sessions passed, but they were taken notice
‘ of in the house of Commons, and though money
‘ was not asked of Parliament for their support, yet
‘ they occasioned a general uneasiness.

‘ About that time there was a prospect of war with
‘ *France*, on which pretence an army was raised.
‘ But the war not proceeding, an act passed, which
‘ gave the King six hundred and nineteen thousand
‘ three hundred and eighty eight pounds, for dis-
‘ banding the army. When the Parliament met
‘ again, they were told from the Throne, *That the*
‘ *forces were still kept on foot for the preservation of our*
‘ *neighbours, who otherwise had absolutely despaired,*
‘ *and for preserving what was left in Flanders ; and*
‘ *that the King was confident no body would repine at*
‘ *the employing that money, which was raised for the*
‘ *disbanding of the army, for the continuance of it.*

‘ This did not satisfy the house, and they came
‘ to a resolution, *That it was necessary for the safety*
‘ *of his Majesty's person, and preserving the peace of*
‘ *the government, that all forces, raised since the*
‘ *twenty ninth of September 1677, should be dis-*
‘ *banded.* Whereupon that Parliament, which went
‘ under the name of the Pensioner Parliament, was
‘ dissolved.

‘ The new Parliament which met on the first of
‘ *March* following, had the same apprehensions of
‘ regular troops. Money was given to disband them,
‘ and the act directed, That it should be paid into
‘ the Chamber of *London* ; and Commissioners of
‘ their own were appointed to see it applied to that
‘ use. Whatever diffidence of the King this might
‘ imply, I do not find that any member lost his li-
‘ berty, for freedom of speech on that occasion.
‘ The opinion that Parliament had of a standing ar-
‘ my, appears in the resolution they came to, *That*
‘ *the continuance of standing forces in this nation, other*
‘ *than the militia, was illegal, and a great grievance*
‘ *and vexation to the people.*

‘ I shall

‘ I shall now take leave to consider the arguments
 ‘ advanced, for continuing sixteen thousand three
 ‘ hundred forty seven men, for the ensuing year.

It is said,

*That there is a disaffected party in the kingdom,
 which makes an army necessary.*

‘ If this argument will prevail, ’tis strange it has
 ‘ not prevailed for six hundred years past, since no
 ‘ period within that time can be assigned, wherein
 ‘ this argument was not as strong as in the present.

‘ During the long controversy between the houses
 ‘ of *York* and *Lancaster* touching the right of succe-
 ‘ sion (in which each side had its turn of being up-
 ‘ permost) one would think it should have been na-
 ‘ tural for the prevailing party, in order to their se-
 ‘ curity, to have insisted on the continuance of their
 ‘ regular troops, at least for a time. There was a
 ‘ Pretender to the crown, who had a strong party
 ‘ in the nation, and the government was insecure
 ‘ ’till the spirit of rebellion was suppressed. It might
 ‘ then with an appearance of reason have been in-
 ‘ sisted on, that the taxes on the disaffected should
 ‘ be increased, that those, who occasioned the ex-
 ‘ pence, should bear the burthen ’till the danger was
 ‘ over.

‘ Why this sort of reasoning did not then prevail
 ‘ is obvious. They saw it was unsafe to trust any
 ‘ Prince, even one of their own setting up, with
 ‘ such a power, which, if ill applied, might enslave
 ‘ them.

‘ Another period of time I shall take notice of, is
 ‘ that of Queen *Elizabeth*’s reign. The disaffection
 ‘ to her in the beginning of it was great, occasioned
 ‘ by the reformation in religion, and the application
 ‘ of ecclesiastical revenues to secular uses. Many
 ‘ plots there were against her life. *Spain* (one of the
 ‘ greatest

‘ greatest powers in *Europe* at that time) attempted
‘ an invasion, and a more proper juncture could not
‘ have happened, wherein to have asked for an ar-
‘ my. But instead of that, the greatest part of the
‘ forces then got together to oppose the invasion,
‘ consisted of militia, and as soon as the Armado
‘ was scattered, the army was disbanded. That
‘ Queen being sensible, that the true, the only sup-
‘ port of the crown, was the good-will and affecti-
‘ ons of the people.

‘ Another argument brought for the continuance
‘ of the army is,

‘ *That the denying it does insinuate a distrust of his*
‘ *Majesty.*

‘ How disingenuous and unparliamentary a way
‘ of arguing this is, let gentlemen judge: For to
‘ draw that sacred name into a debate, must put
‘ every body to pain, who takes the other side of
‘ the question, in regard it may be construed, that
‘ the stronger the argument is, the greater is the
‘ distrust.

‘ But this reasoning, in my opinion, turns quite
‘ another way, and instead of implying a distrust,
‘ argues the greatest regard to the safety of his Ma-
‘ jesty’s person and government. Who can answer
‘ for the caprice of an army, when once established?

‘ Although no man living has a greater esteem
‘ than myself for those honourable gentlemen, who
‘ have with so much bravery served their country in
‘ a military way, nor shall any man go farther in
‘ rewarding their services; yet the common experi-
‘ ence of mankind demonstrates, That it is not rea-
‘ sonable to expect an army should be always in the
‘ same humour. *Augustus Cæsar* lived in great peace
‘ and security with the *Prætorian* bands, which had
‘ put an end to the *Roman* liberties; but the case
‘ was different with his successors, for of twenty six
‘ Empe-

‘ Emperors, no less than sixteen were pulled to pieces
‘ by their own soldiers. Did not the army here in
‘ *England*, in the times of usurpation, if I may be
‘ allowed to name them, in a short space, change the
‘ government into ten several forms? What treat-
‘ ment did the Parliament, who had raised and sup-
‘ ported them, meet with from them? They beset
‘ the house, repulsed many members who would
‘ have come in, others they dragged out even by
‘ the legs, and at length they were all turned out,
‘ and the doors shut up. I say this with the more
‘ assurance, having had the account from an honour-
‘ able person, lately dead, who was an eye-witness
‘ of it. This army, tis true (which consisted of
‘ about seventeen thousand men) afterwards brought
‘ in King *Charles* the second. But that Prince soon
‘ disbanded them, being well aware that the same
‘ army which brought him in, should their minds
‘ change, might again turn him out.

‘ This objection, drawn from a distrust of his
‘ Majesty, deserves another name. ’Tis an honest,
‘ ’tis a reasonable jealousy of the growing power of
‘ the crown, which those that went before us always
‘ avowed. May it not with parity of reason be said
‘ That because I will not consent, that the King shall
‘ by his Proclamation raise money without Parlia-
‘ ment, that this is a distrust of his Majesty? Be-
‘ cause I will not consent to give up *Magna Charta*,
‘ and accept of a new patent at pleasure, may not
‘ this likewise be called a distrust of his Majesty?
‘ But suppose, from an opinion of the virtue of the
‘ troops; from an opinion, that men in power will
‘ not make an ill use of it; that those, who may be
‘ Masters, will chuse to continue servants; that
‘ men under the same circumstances will not do the
‘ same things; and that we should consent, for our-
‘ selves, to deposit our liberties in their hands for a
‘ while; will any one say, that we have an authority
‘ also

‘ also to consent on the behalf of those we represent ?
‘ A sum of money, a jewel, or other valuable thing,
‘ is committed to my care ; I, without the owner’s
‘ consent, leave it in the possession of another ; al-
‘ though the person with whom I left it, does not ac-
‘ tually embezel the money, or detain the jewel, yet
‘ do I break my trust by putting it in into his
‘ power so to do.

‘ It is self-evident that by keeping up such a
‘ number of forces, who may, when they are dis-
‘ posed, controul the power of the civil Magistrate,
‘ that the strength and security of our constitution is
‘ at an end, and that we have no other rule of go-
‘ vernment left, than will and pleasure. The no-
‘ tion I have of slavery is the being subjected to the
‘ will of another ; and notwithstanding the rod be
‘ not always on my back, or the dragoon in my
‘ house ; yet, if it is not in my power to prevent its
‘ being so, I am no longer free. After *Augustus*
‘ had established his eight thousand regular troops,
‘ the *Roman* constitution was as much at an end, as
‘ it was in *Nero*’s time. Although the tyranny was
‘ not by *Augustus* exercised with the like severity it
‘ was by his successors ; yet, from the time his
‘ power became irresistible, the *Romans* were slaves.

‘ Another argument used for this number of
‘ troops is,

‘ *That there are no thoughts of establishing them ;*
‘ *but only continuing them for a year.*

‘ If the notion be true, which no gentleman in the
‘ debate has denied, That the number of disciplined
‘ men now contended for, are sufficient to dictate to
‘ the greatest number of undisciplined ; I desire to
‘ know who shall dare to bid them go home ? ’Tis
‘ said indeed the Parliament will not provide for
‘ them : Why may not they then, as others in their
‘ circum-

‘ circumstances have done, provide for themselves ?
 ‘ Is it reasonable to think, that men will starve with
 ‘ swords in their hands ?

‘ I am sensible, that I have too much trespassed
 ‘ on gentlemen’s patience. I shall say no more ;
 ‘ but that bodies political, as well as natural, have
 ‘ their periods : Governments must die as well as
 ‘ men ; ours is grown old and crazy ; and tho’ she
 ‘ hath survived her neighbours, yet I fear her day
 ‘ approaches.’

Dec. 6. In a Committee of the whole house on the supply, the Commons came to several resolutions ; which, together with those of the day before, were reported on the 7th, as follows :

I. That the number of effective men to be provided for, for guards and garrisons in *Great-Britain*, and for *Jersey* and *Guernsey*, for the year 1718, be 16347, commissioned and non-commissioned officers included. II. That a sum not exceeding 681,618 *l.* be granted to his Majesty, for defraying the charge of the said 16347 effective Men for guards and garrisons, and other his Majesty’s land forces in *Great-Britain*, *Jersey* and *Guernsey*, for the year 1718. III. That the sum of 35766 *l.* 5 *s.* be granted to his Majesty, for maintaining his Majesty’s forces and garrisons in the plantations in *America*, for the year 1718. IV. That the sum of 57613 *l.* 14 *s.* 7 *d.* be granted to his Majesty, for maintaining the forces and garrison in *Minorca*, for the year 1718. V. That the sum of 39382 *l.* 14 *s.* 9 *d.* $\frac{1}{2}$ be granted to his Majesty, for maintaining the forces and garrison in *Gibraltar*, for the year 1718. VI. That the sum of 13551 *l.* 9 *s.* 5 *d.* be granted to his Majesty, for provisions for the garrison in *Gibraltar*, for the year 1718. VII. That the sum of 1558 *l.* 17 *s.* 1 *d.* be granted to his Majesty, for provisions for the garrisons at *Placentia*

centia and *Annapolis*, for the year 1718. VIII. That the sum of 2858 *l.* 13 *s.* 10 *d.* be granted for ordnance, stores and provisions, for the independent company in the islands of *Bahama* and *Providence*, for the year 1718. IX. That a sum not exceeding 130,361 *l.* 5 *s.* 5 *d.* be granted to his Majesty, for the charge of half-pay to the reduced officers of his Majesty's land forces and marines, for the year 1718. X. That a sum not exceeding 73,327 *l.* 12 *s.* 11 *d.* be granted to his Majesty, for the charge of the office of ordnance for the land service, for the year 1718. XI. That a sum not exceeding 29,645 *l.* 8 *s.* 9 *d.* $\frac{1}{2}$ be granted to his Majesty, to enable the treasurer of the navy to make good the payments, which at or before the 24th of June, 1718, may be demanded of him, pursuant to an act of Parliament for compleating the funds of 608,000 *l.* *per annum*, payable to the *South-Sea* company. XII. That a sum not exceeding 581,196 *l.* 8 *s.* be granted to his Majesty, to make good the deficiency of the grants for the year 1717.

The first of these resolutions being read a second time, a motion was made, that the same be recommended; upon which there arose a warm debate, and most of the members who spoke in the debate of the 5th, made speeches either for or against the said motion. Among others, Sir *Thomas Hanmer* spoke as follows,

S I R,

I Cannot forbear troubling you with a few words upon this subject, tho' I can neither flatter myself with the hopes of convincing any one, nor pretend to be able to offer any thing to your consideration, which has not in a better manner been urged already. But I am truly concerned for the mischiefs which, I think, we are giving way to; and, if I cannot prevent them, it will be a satis-

Sir Thomas
Hanmer's
speech.

‘ a satisfaction to me at least to protest against
‘ them.

‘ All Gentlemen who have spoke in this debate,
‘ have, for their different opinions, agreed in one
‘ thing, to press very much the argument of dan-
‘ ger ; and the only question is, on which side the
‘ danger lies ; whether to the government, without
‘ military force to support it ; or to the constitution
‘ and liberties of *Great-Britain*, from that military
‘ force, if it be allowed to continue in it ?

‘ As to the dangers which threaten the govern-
‘ ment, I think I am not willing to overlook them.
‘ But I hope we may be excused, if we cannot be
‘ convinced of dangers, which no man, that I hear,
‘ pretends to explain to us.

‘ Abroad, the state and circumstances of *Europe*
‘ happen to be such, that I think it is hard to sup-
‘ pose a time possible, when there shall be less ap-
‘ pearance or apprehension of any immediate dis-
‘ turbance to this kingdom. The three great pow-
‘ ers, those which are most considerable in them-
‘ selves, and of nearest concern to us, I mean the
‘ *Empire, France, and Holland*, are so far from be-
‘ ing at any enmity with us, that they are all of
‘ them our fast friends and allies, at least we are
‘ told so, and hear very often a great deal of boast-
‘ ing upon that subject, whenever the Administra-
‘ tion of the government is to be extoll’d, and the
‘ merits of it are to be set forth to us. Upon those
‘ occasions we hear of nothing, but the wise and
‘ useful treaties which have been made, the great
‘ influence which we have acquired in foreign courts
‘ and councils, and the solid foundations which are
‘ laid for our security. But when, in consequence
‘ of these great things, we come to talk of reduc-
‘ ing forces, then I observe the language is quite
‘ turned the other way, then we are in the weakest
‘ and most insecure condition imaginable, there is
‘ no dependance upon any thing, and we must
‘ even

‘ even be thought disaffected to the government, if
‘ we will not believe that we are surrounded on all
‘ sides with the greatest dangers.

‘ But in the midst of these contrarieties and con-
‘ tradictions, I think we need not be at any loss
‘ what our conduct ought to be ; if we will but
‘ have regard to those plain rules and maxims,
‘ which have always been observed in the like cases
‘ with that which is now before us.

‘ It would certainly be an endless thing, for an
‘ house of Commons to enter into the secrets of
‘ state, and to debate upon the different views,
‘ and interests, and intrigues of foreign courts ; what
‘ jealousies are among them, and what treaties are
‘ on foot to reconcile them. If we take such things
‘ into consideration to guide us in questions con-
‘ cerning our own guards and garrisons here at
‘ home, we shall be in a labyrinth indeed, and
‘ must be compelled at last to put an absolute trust
‘ in the government, because they only know the
‘ truth of such matters, and from them we must be
‘ content to receive whatsoever account they think
‘ fit to give us of them. But the only thing pro-
‘ per for us to look to is, what is plain and obvi-
‘ ous to the sense of all mankind ; I mean, when
‘ are the times of present Peace. There need no
‘ refinements of politicks to know that, and I will
‘ venture to say, that during such times of peace,
‘ no remote fears, no arguments drawn from con-
‘ tingencies of what may be hereafter, have ever
‘ yet brought this nation into a concession so fatal
‘ to liberty, as the keeping up of standing forces,
‘ when there is no other employment for them, but
‘ to insult and oppress their fellow subjects. I say
‘ there has hitherto been no precedent of that kind,
‘ and the misfortune of this case is, there will need
‘ but one precedent in it ; one wrong step taken in
‘ this particular, may put an end to all your claims
‘ of rights and privileges.

‘ And on the other hand, I beg it may not be
 ‘ taken for granted, that if we dismiss our soldiers,
 ‘ we shall therefore leave ourselves naked, and void of
 ‘ all protection against any sudden danger that may
 ‘ arise. No, Sir, providence has given us the best
 ‘ protection, if we do not foolishly throw away the
 ‘ benefit of it. Our situation, that is our natural
 ‘ protection, our fleet is our protection; and if we
 ‘ could ever be so happy as to see it rightly pur-
 ‘ sued, a good agreement betwixt the King and
 ‘ people, uniting and acting together in one natio-
 ‘ nal interest, would be such a protection, as none
 ‘ of our enemies would ever hope to break through.

‘ It is a melancholy thing to me to hear any
 ‘ other notions of government advanced here, and
 ‘ that his Majesty, either from his private or his ge-
 ‘ neral council, should ever upon this subject have
 ‘ any thing inculcated to him, but this great truth,
 ‘ that the true and only support of an *English* Prince
 ‘ does and ought to consist in the affections of his
 ‘ people. It is that should strengthen his hands;
 ‘ it is that should give him credit and authority in
 ‘ the eyes of other nations; and to think of doing
 ‘ of it by keeping up a number of land forces here
 ‘ at home, such a number as can have any awe or
 ‘ influence over the great powers on the continent,
 ‘ is, I think, one of the wildest imaginations that
 ‘ ever entered into the heart of Man. The only
 ‘ strength of this nation must always consist in the
 ‘ riches of it; riches must be the fruits of publick
 ‘ liberty; and the people can neither acquire riches,
 ‘ nor the King have the use of them, but by a
 ‘ government founded in their inclinations and af-
 ‘ fections.

‘ If this be true, then of consequence it follows,
 ‘ that whoever advises his Majesty to aim at any
 ‘ additional security to himself from a standing ar-
 ‘ my, instead of increasing his strength, does real-
 ‘ ly diminish it, and undermine his true support,

*

‘ by

‘ by robbing him of the hearts of his subjects. For
‘ this I take for granted, that as there are but two
‘ ways of governing; the one by force, and the
‘ other by the affections of the people governed,
‘ it is impossible for any Prince to have them
‘ both. He must chuse which of the two he will
‘ stick to, for he can have but one. If he is
‘ master of their affections, he stands in no need
‘ of force; and if he will make use of force, it is
‘ in vain for him to expect their affections. For
‘ it is not in nature, and it never can be brought to
‘ pass, that men can love a government, under
‘ which they are loaded with heavy taxes, and pay
‘ a considerable part of their estates to maintain an
‘ army, which insults them in the possession of the
‘ rest, and can turn them out of the whole whenever
‘ they please.

‘ With submission therefore, the argument is
‘ taken by the wrong end, when it is said, there
‘ are great animosities in the kingdom, the people
‘ are disaffected, and upon that account there is a
‘ necessity of keeping up an army. It concludes
‘ much righter the other way; that is, dismiss your
‘ army, and give no other cause of suspicion, that
‘ any part of the constitution is to be invaded, and
‘ the people will be well-affected. Upon any other
‘ foot than this, what minister will ever care, whe-
‘ ther he does right or wrong? It is not his con-
‘ cern, whether the people are easy or uneasy; his
‘ army is his dependance: Nay, and the more by
‘ his wicked counsels he exasperates and inrages the
‘ people, the stronger he makes his pretence for
‘ maintaining and increasing that army which sup-
‘ ports him.

‘ What I have said, I confess, goes upon a sup-
‘ position, that the numbers contained in the esti-
‘ mate, and in the question before you, do make
‘ an army formidable enough, and able to enslave
‘ this nation; of which, indeed, there remains no

‘ doubt with me. In the manner those forces are
‘ constituted, I think, a Prince who would wish to
‘ be arbitrary, could desire no more; and if he
‘ had all the power in his hands, I think for his
‘ own sake he would keep no more.

‘ Of what nature the reductions have been, other
‘ gentlemen have so fully explained, and I believe it
‘ is so generally understood, that it will be need-
‘ less for me to dwell upon it. But the short of
‘ the case is this, that out of thirty-two-thousand
‘ men, thirteen regiments only have been disband-
‘ ed, which do not amount to more than five or
‘ six thousand, besides a few invalids, which were
‘ taken from the establishment of the army, and
‘ put upon the establishment of the hospital. So
‘ that there are the corps now subsisting of more
‘ than twenty-five thousand men, which corps may
‘ be filled up to their entire complement whenso-
‘ ever the government pleases, and that even with-
‘ out any noise, or notice taken. For the case is
‘ very different in that respect, where the regiments
‘ are few, and those kept compleat: There, if the
‘ numbers allowed by act of Parliament are exceed-
‘ ed, it must be by raising new regiments, which is
‘ easily seen and known. But where the corps are
‘ kept up with only a few men in them, and some
‘ recruits will always be necessary for them, there,
‘ if the government is willing to be at the charge,
‘ they may keep the numbers up to what they
‘ please, and it is impossible to know when the par-
‘ liamentary standard is extended, and when not.
‘ Thus therefore stands our account: In the first
‘ place, the publick is to pay eighteen thousand
‘ men; in the next place, the number of effective
‘ men is to be sixteen thousand three hundred forty
‘ seven; and if those are not sufficient to exercise
‘ dominion over us, yet, in the manner they are
‘ kept together, they are equivalent to twenty-five
‘ thousand men; the charge is inconsiderably less,
‘ and

‘ and the terror, which is the main thing, is not at
‘ all abated.

‘ For the taking this dangerous step, the only
‘ justification I hear gentlemen offer for themselves,
‘ the only shelter they fly to, is the great confidence
‘ which is to be reposed in his Majesty’s just and
‘ gracious intentions; of those I will entertain no
‘ doubt; I believe his Majesty is too good to be
‘ suspected of any arbitrary designs. But yet there
‘ is a general suspicion, which I will never be
‘ ashamed or afraid to own, because it is a suspi-
‘ cion interwoven in our constitution; it is a suspi-
‘ cion upon which our laws, our Parliament, and
‘ every part of our government is founded; which
‘ is, that too much power lodged in the crown,
‘ (abstracting from the person that wears it) will at
‘ some time or other be abused in the exercise of it,
‘ and can never long consist with the natural rights
‘ and liberties of mankind. And therefore, what-
‘ ever opinions we have of his Majesty’s goodness,
‘ and how much soever he deserves them, we
‘ should still consider, that in this place we are un-
‘ der a distinct duty to our country, and by that
‘ duty we should be as incapable of giving up such
‘ an unwarrantable trust, as his Majesty, I am per-
‘ suaded, would be incapable of abusing it, if he
‘ had it in his hands. Those we represent will ex-
‘ pect, and they ought to expect from us, that
‘ they should not only continue to enjoy what be-
‘ longs to them, as *Englishmen*; but that they should
‘ hold it still by the same tenure. Their estates,
‘ their lives, and their liberties, they have hitherto
‘ possessed as their rights; and it would be a very
‘ great and a sad change, and such as shall never
‘ have my consent along with it, to make them
‘ only tenants at will for them.’

But the question being put thereupon, it was car-
ried in the negative, by a majority of 175 voices

against 125 ; and then the first resolution was agreed to by the house. The second resolution being afterwards read a second time, a motion was made, that the same be recommitted, which occasioned a fresh debate. Mr. *Robert Walpole*, who made the most remarkable speech, urged, among other things, ‘ That by the method that had been followed in the reduction of the army, the nation was put to an extraordinary and needless charge.’ Which he endeavoured to prove, by entering into the particulars of the regiments that were kept standing ; shewing the disproportion between the foot, and the horse and dragoons, which last were most grievous and oppressive to the country ; and suggested, ‘ That by reducing the army in another manner, the full number of land forces already voted, might be kept up, and yet near an hundred thousand pounds saved to the nation, besides the pay of general officers, which, he doubted not, all gentlemen would readily acknowledge, with him, to be an unnecessary expence.’ This overture was listened to with great attention, by the far major part of the assembly, even by some of the staunchest friends to the present happy settlement, particularly by Sir *Joseph Jekyll*, who, being desirous to know what Mr. *Walpole* had to propose, to save so considerable a sum to the nation, declared his opinion for recommitting the second resolution above-mentioned, which was carried without dividing. It was also resolved, that the 9th resolution be recommitted ; but all the other were agreed to by the house.

On the 9th the house resolved itself into a grand Committee, to take into consideration the resolution for granting to his Majesty the sum of 681,618 l. which on the *Saturday* before had been recommit-
ted. Mr. *Craggs*, secretary of war, who spoke first, said, among other things, ‘ That having al-
ready

' ready agreed to the number of troops, it was but
 ' natural and reasonable to grant the sum necessary
 ' to maintain those troops ; that the Commons had
 ' never entered into the particulars of the regiments,
 ' whether horse, dragoons, or foot ; but content-
 ' ing themselves with fixing the whole number,
 ' had wholly left the regulating of that matter to
 ' the crown ; and therefore he hoped, they would
 ' not shew less regard to his Majesty, or repose less
 ' confidence in his wisdom, of which they had seen
 ' so many instances, particularly both in augment-
 ' ing and reducing of the army.' Mr. Craggs was
 seconded and backed by several gentlemen, and, in
 particular, by Mr. *Aislaby*, Mr. *Lechmere*, Mr.
Treby, Mr. *Yonge*, Sir *Richard Steele*, the Generals
Carpenter, *Wade*, *Stanwix*, and some others : But,
 on the other hand, Mr. *Robert Walpole*, who chief-
 ly answered Mr. Craggs, represented, ' That the
 ' best way for the Commons of *Great-Britain* to
 ' acknowledge his Majesty's most gracious intenti-
 ' ons for the good of his subjects, was to point out
 ' to him the means of rendering those good intenti-
 ' ons effectual ; that this might be done by disband-
 ' ing or dismounting eight or nine regiments of
 ' dragoons, whereby the country would be eased of
 ' a great burden and oppression ; and that by this,
 ' and some other reductions (of which he made
 ' mention) a considerable sum of money might be
 ' saved to the nation ; as well as by taking off the
 ' pay of the general officers, and other useless con-
 ' tingencies.' Mr. *Walpole* was backed by several
 gentlemen, particularly Sir *Joseph Jekyll*, Sir *Tho-*
mas Hanmer, Sir *William Wyndam*, Mr. *John Smith*,
 and Sir *Thomas Cross* ; and, on the other hand,
 some courtiers endeavoured to shew, either that the
 reductions proposed were impracticable, or would
 not answer the end intended thereby. But some ge-
 neral officers having generously said, ' That for
 ' their own parts, if their having no pay could any
 ' way

‘ way contribute to make the nation easy, they readily acquiesced.’ They were taken at their words ; and the question being put, that a sum not exceeding 650,000 *l.* be granted to his Majesty, for defraying the charge of 16347 effective men for guards and garrisons, and other his Majesty’s land forces in *Great-Britain, Jersey and Guernsey*, for the year 1718, the same was carried in the affirmative, though by 14 voices only, *viz.* 172 against 158. And this resolution was the next day reported and agreed to by the house without opposition.

Motion for
lowering the
gold coin.

Dec. 14. Mr. *Aislaby*, treasurer of the navy, took notice of the great scarcity of the silver species, which, in all probability, was occasioned by the exportation of the same, and the importation of gold ; and proposed, that a speedy remedy might be put to that growing evil, by lowering the value of the gold species. He was seconded by one of the directors of the bank of *England*, and by Mr. *Caswall*, one of the sword blade company ; But Mr. *Walpole*, who did not expect such a motion, was the more surprized at it, in that he saw it backed by the first person above-named ; and suspecting there might be something more in it than at first one might be aware of, he said, this was a matter of so great importance, that it ought to be well weighed and maturely considered, before the house came to any resolution thereupon. Another member moved, that it might be put off ’till after *Christmas* : But it being considered, that the bank of *England* offered, that very day, to lend a considerable sum to the government, on the borrowing clause in the land-tax bill, and that this loan was undoubtedly to be made in guineas at the current value, Mr. *Walpole* and his friends consented, and it was accordingly resolved to consider of it the next morning in a Committee of the whole house, when Mr. *Aislaby* renewed the motion he made the day before :

before : He was seconded by Mr. *Caswall*, who made a long speech, on the various and respective values which, at different times, gold and silver coins have born, with respect one to the other, according to the plenty or scarcity of either ; and suggested, that the over-valuation of gold in the current coins of *Great-Britain*, had occasioned the exportation of great quantities of silver species ; and to that purpose, laid open a clandestine trade, which of late years had been carried on by the *Dutch*, *Hamburgers*, and other foreigners, in concert with the *Jews*, and other traders here, which consisted in exporting silver coins, and importing gold in lieu thereof, which being coined into guineas at the *Tower*, near 15 pence was got by every guinea, which amounted to about 5 per cent. and as these returns might be made five or six times in a year, considerable sums were got by it, to the prejudice of *Great-Britain*, which thereby was drained of silver, and over-stocked with gold : Concluding, that in his opinion, the most effectual way to put a stop to this pernicious trade, was to lower the price of guineas, and all other gold species. This speech was received with general applause, and it was resolved in the grand Committee, and unanimously agreed to by the house, that an humble address be presented to his Majesty, that he will be graciously pleased to issue his royal proclamation, to forbid all persons to utter or receive any of the pieces of gold called guineas, at any greater or higher rate than one and twenty shillings for each guinea, and so proportionably for any greater or lesser pieces of coined gold. This address being presented to his Majesty, a proclamation was issued accordingly.

The gold
coin lower-
ed.

The lowering the value of the gold, which was thought a proper expedient to procure a greater circulation of silver species, had a contrary effect, as was supposed, through the covetousness of the monied men, who hoarded up silver, in hopes that
the

the value of it would be raised ; or out of fear that gold would still be lowered : In order therefore to remedy this great evil, as soon as the Commons met, they came to a resolution, that they would not alter the standard of the gold and silver coins of this kingdom, in fineness, weight or denomination : This done, both houses adjourned themselves to the 16th, upon a message delivered to the Lords by the Lord High Chancellor, and to the Commons by Mr. *Comptroller*, ‘ That it was his Majesty’s pleasure that the Parliament should be adjourn’d ’till ‘ that day.’ The Parliament being met again, his Royal Highness the Prince of *Wales* went to the house of Peers, which being very full, my Lord *North* and *Grey* stood up, and took notice of the great ferment that was in the nation. — As his Lordship made a small pause, the Lords began to be very attentive, and some in pain, fearing his Lordship would touch upon matters of a high and nice nature ; but his Lordship soon eased them, by mentioning only the great scarcity of silver, which occasioned a general stop of trade, and very much distressed the poor : Upon which the Lords resolved to take that matter into consideration, on *Tuesday* the 21st of *January*.

The house
of Lords
consider the
state of the
coin.

On *Thursday* the 23^d of *January*, the house of Lords in a grand Committee, took into consideration the state of the nation, in relation to the gold and silver coins. The Lord *Bingley*, having represented the great prejudice that trade received from the scarcity of silver, said, among other things, it was a matter of wonder a remedy had not seasonably been applied to so great an evil, which had visibly been growing for so many months past. My Lord *Stanhope* answered him, that the scarcity of silver species was owing to several causes ; 1st, The encreasing luxury, in relation to silver plate. 2^{dly}, To the vast exports of bullion and other plate to

to the *East-Indies*. And 3dly, To the clandestine trade that had lately been carried on, of exporting silver and importing gold to and from *Holland, Germany*, and other parts. To prove these particulars his Lordship produced several papers, and, among the rest a scheme drawn up by *Henry Martin, Esq;* inspector general of the exports and imports at the custom house, whereby it appeared, that in the year 1717, the *East-India* company had exported near three millions of ounces of silver, which far exceeds the imports of bullion in that year; it necessarily followed, that vast quantities of silver species must have been melted down, both to make up that export, and to supply silver-smiths. His Lordship added, that it was impossible for those in the administration to remedy this evil, without the interposition of the Parliament; and as for the trade of exporting silver, and importing gold in lieu of it, which encreased the scarcity of the first, the most effectual method that could be thought of to prevent it, had been already used, viz. the lowering the price of gold, which would not have failed to have, in great measure, produced the desired effect, but for the covetousness of some, or the malice of others, who, by hoarding up silver, thought either to make considerable gains, or to distress the government: So that, upon the whole matter, no fault could be found upon this score with the managers of his Majesty's treasury; but that, on the contrary, it might to their praise be observed, that the public credit never ran so high in any other hands, since the government could now borrow great sums at $3\frac{1}{2}$ per cent. The Earl of Oxford answered the Lord Stanhope, and made some reflections, which the other returned very smartly. Though the Lord Viscount Townshend, the Lord Coningsby, and some other Peers, spoke also on this occasion, yet their Lordships came that day to no resolution; but the farther consideration of that matter

ter being put off till *Saturday* the 25th of *January*. It was on that day resolved, that no alteration should be made in the standard of the gold and silver coins of this kingdom, in fineness, weight or denomination; which resolution was, on *Monday* the 27th of *January*, reported and agreed to by the house. The next day their Lordships resumed the consideration of that affair; and after having examined the officers of the mint, and the master and wardens of the goldsmiths company, ordered *a bill to be brought in, to prevent the melting down of the silver species.*

Feb. 4. The house of Commons resolved itself into a grand Committee, upon the *bill for regulating the forces to be continued in his Majesty's service, and for the payment of the said forces, and their quarters, and for punishing mutiny and desertion*; but first they ordered, that it be an instruction to the said Committee, that they have power to receive a clause, to take away unreasonable protections of soldiers from their just creditors, and also to prevent unjust or fraudulent arrests upon them. Of this Committee *Gyles Erle, Esq;* was chosen chairman. After the reading of the bill, and of the articles of war, *Mr. Hutchinson* excepted against the clauses enacting, That it shall and may be lawful to and for court martials, to punish mutiny and desertion with death; urging, that a court-martial was never allowed of in *England* in a time of peace, as being inconsistent with the rights and liberties of a free people; and moved that the offences committed by the soldiery be cognizable and punished by the civil magistrate. *Sir William Thompson* answered *Mr. Hutchinson*, and the latter was seconded by *Mr. Auditor Harley*, who, to shew the danger of a standing army, governed by martial law, quoted a book written some years ago by a noble member of that house, entitled, *an account of Denmark*. Hereupon

on the Lord *Molesworth*, the author of that book, endeavoured to shew, that this was not a parallel case ; that the present posture of affairs in *Great-Britain*, was vastly different from the state of things in *Denmark* at that juncture ; and that the Commons having already declared it necessary to maintain the standing forces, it was no less necessary to keep those forces within the bounds of duty and discipline, by the ordinary rules of martial law, as was ever practised in all civilized nations. Sir *Gilbert Heathcote* having backed the Lord *Molesworth*, Mr. *Hungerford* said, he remembered a remarkable passage in the *history of the revolutions in Sweden*, which was, that one *Bung*, a rich burgher of *Stockholm*, who had much contributed to the keeping up a standing army, was the first that was hanged by martial law. General *Lumley*, and some others, were of Mr. *Hutchinson's* opinion ; and, on the other hand, Sir *Joseph Jekyll* was for keeping up the martial law, at least, a year longer ; but the main brunt of the dispute fell between Mr. *Craggs* secretary at war, and Mr. *Robert Walpole*, who in the heat of argument could not forbear letting drop some sharp reflections. After they had done speaking, which was about six o' clock in the afternoon, some other members made speeches for and against the motion in agitation ; and the court party looked upon the success of this affair as very doubtful. But about seven o' clock, Mr. *Lechmere*, in answer to what Mr. *Walpole* had advanced, viz. that a court martial in time of peace was altogether unknown in *England*, shewed to the contrary, that the court of admiralty, which is allowed in times of peace as well as of war, has an equal power in relation to seamen, with a court martial in relation to soldiers. At last, about eight o' clock in the evening, the question being put, that the clause relating to the punishment of mutiny and desertion, should stand as expressed in the bill, it was carried

*

in

in the affirmative by a majority of 18 voices only, viz. 247 against 229 ; Mr. Speaker having resumed the chair, it was resolved to consider farther of the said bill, in a Committee of the whole house, on *Thursday* the 6th of *February*. It was observed, that the Abbot *du Bois* having desired to be an ocular witness of this important debate, he was admitted, *incognito*, into the house of Commons ; a favour which that day was refused to several *British* Peers.

Bill for regulating the forces passed in the house of Commons.

The next day, the engrossed bill for punishing mutiny and desertion, and for the better payment of the army and their quarters, was read the third time, and the question being put, that the said bill do pass, it was carried in the affirmative by 186 voices against 105 ; which great majority was ascribed to Mr. *Walpole's* voting with the courtiers, and his having declared to his friends, ' That tho', ' in the debates about this bill, he was for having ' mutiny and desertion punished by the civil magistrature, yet he had rather those crimes should be ' punished by martial law, than not punished at ' all.' After this, Mr. *Craggs* was ordered to carry the bill to the Lords, which he did accordingly.

* Duke of Argyle.

Upon the first reading of the bill in the house of Peers, some objections having been raised against it, an Earl in a great post said, ' That he wished ' this might be thoroughly canvassed and examined in a full house ; for he was not like some persons who changed their opinions according as they ' were in or out of place.' A noble Duke, * taking the dint of this reflection to be levelled against him, answered, ' That for his own part, he followed ' the ministry when he thought they were in the ' right ; but went a contrary way, if he thought ' they went astray : ' This occasioned some sharp repartees and replies ; after which, the second reading of the bill in a full house, was put off 'till the *Tuesday* following. In the mean time, it was the

the next day resolved to address his Majesty, that the articles of war, and other papers relating to the discipline and payment of the army, might be laid before the house.

On the 18th day of *February*, the said bill was read a second time, in a very full house, and a motion was made, that it be committed to a Committee of the whole house; which occasioned a great debate. The Earl of *Oxford*, who spoke first, said, among other things, ‘ That as long as he had breath, he would speak for the liberties of his country; and that he was not only against this bill, because he thought a martial court inconsistent with the rights and privileges of *English* men, but also against the keeping up so great a number of forces; which being altogether useless in a time of profound peace, could not but raise just apprehensions, that something was intended against our happy and ancient constitution.’ The Lord *Stanhope* answered, in substance, ‘ That the nation has the happiness to be governed by a Prince, who, since his accession to the throne, has convinced every body, that he desires no more troops than what are absolutely necessary for the safety and tranquillity of his dominions. That whoever will impartially consider the present circumstances of affairs, must own, that the number of troops that are kept standing, is very small. That it cannot be denied, that the Pretender has a great many friends both at home and abroad, who watch all opportunities to foment and take advantage of our intestine divisions. That on the other hand, *Great-Britain* stands guarantee for the neutrality of *Italy*, which is now threaten’d with an invasion: And therefore, it was matter of prudence, as well of necessity, to keep up a competent force, both to suppress any

Debates in
the house
of Lords.

‘ any insurrection at home, or to repel any insult
‘ from abroad ; and to make good our engage-
‘ ments for maintaining the repose of *Europe*.’
Hereupon the Earl of *Strafford* said, ‘ He was
‘ surprized to hear, that so great a minister as the
‘ noble Lord who spoke last, was not better ac-
‘ quainted with some matters of fact ; but that he
‘ thought himself obliged to inform the house, that
‘ by the treaty concluded and signed at *Utrecht*, in
‘ *March* 1713, between the ministers of *Great-*
‘ *Britain* and *France*, the late Queen, of glorious
‘ memory, was guarantee for the neutrality of *Italy*,
‘ and the islands in the *Mediterranean*, only during
‘ the evacuation of *Catalonia*, and ‘till the conclu-
‘ sion of a general peace.’ For the truth of which,
his Lordship appealed to his colleague in the nego-
tiation, the Lord Bishop of *London*. He added,
‘ That since that time, the state of things was quite
‘ altered, and those in the ministry could best tell
‘ what engagements had been entered into, either
‘ with the Emperor or *France*.’ Hereupon the
Lord *North* and *Grey* said, ‘ It was necessary to
‘ know the contents of those new treaties ; and
‘ therefore moved to address his Majesty, that they
‘ might be laid before the house.’ Which address
was agreed to, but was never presented. The
Duke of *Argyle*, who backed the Earl of *Oxford*,
said, among other things, ‘ That besides the 16000
‘ and odd men of regular troops, there was ano-
‘ ther considerable body maintained under the de-
‘ nomination of invalids, and that they ought to
‘ enquire into their numbers, and where they were
‘ quartered.’ To which the Lord *Cadogan* answer-
ed, ‘ He knew of no invalids, but such as were in
‘ *Chelsea* college, or in the neighbourhood.’ Af-
ter some other speeches on both sides, the Duke of
Buckingham moved, that the bill be committed to a
Committee of the whole house, the *Thursday* next ;
which was carried without dividing.

On

On that day (*Feb. 20.*) the order was read, for the house to go into a Committee upon the mutiny bill; but the opposers being sensible, that the court party were stronger in voices, and weaker in proxies, endeavoured to stave off the bill before it went into a Committee. In order thereto, the Lord *Trevor* moved, that it be an instruction to the Committee, that they do provide, that no punishment shall be inflicted at any court martial, which shall extend to life or limb. His Lordship gave his reasons for supporting his motion, but was answered by the Lord *Stanhope*, ‘ That such a clause would
 ‘ make the bill uneffectual, banish all manner of
 ‘ discipline from the army, and consequently render it entirely useless.’ Upon this there arose a warm debate, which lasted from two in the afternoon ’till seven in the evening; and the following Peers made speeches for or against the bill, *viz.* Against the bill, the Dukes of *Buckingham* and *Argyle*, the Earls of *Anglesey*, *Poulet*, *Abingdon*, *Cholmondeley*, and *Ilay*; the Lord Viscount *Townshend*; the Lords *North* and *Grey*, *Trevor*, *Bingley*, and *Harcourt*: For the bill, the Lord Chancellor *Cowper*, the Duke of *Newcastle*, the Earl of *Sunderland*, the Lord Viscount *Stanhope*, and the Lords *Cartaret*, *Onslow*, *Coningsby*, and *Cadogan*.

The Earl of *Anglesey* argued, ‘ That so numerous a force as was allowed by this bill to be maintained in time of peace, was not only dangerous in itself to a free nation, but was yet rendered more dangerous by their being governed by martial law; a law unknown to our constitution, destructive of our liberties, and not endured by our ancestors.’ His Lordship was answered by the Earl of *Sunderland*, who, among other reasons, urged, ‘ That among the ancient *Romans*, the wisest people in the world, and the greatest lovers and assertors of public liberty, martial law and discipline

‘cipline were invigorated by decrees of the senate,
‘and were in force in times of peace, as well as
‘in times of war.’ To this the Duke of *Argyle*
replied in substance, ‘That ’twas much better to
‘attend domestic than foreign examples;’ and
then shewed, by several instances drawn from the
history of *Great-Britain*, ‘That a standing army
‘in times of peace was ever fatal, either to the
‘Prince, or to the nation.’ The Lord *Onslow* said
thereupon, ‘That those who are vested with the le-
‘gislative power ought not, on all occasions, to
‘govern themselves by precedents, but rather by
‘the present situation of affairs; because ’tis very
‘difficult to find examples perfectly agreeing with
‘the various circumstances of times. That, in his
‘opinion, the number of troops which the Com-
‘mons had thought fit to keep standing, was ab-
‘solutely necessary for the security and safety both
‘of the government and nation; and therefore it
‘was no less than necessary to make a law, to keep
‘that army within the rules of duty and discipline,
‘unless they would render useless those very forces
‘which must be owned to be necessary.’ The Earl
of *Poulet* enforced what had already been suggested,
about the danger of a standing army made subject
to martial law; but the Duke of *Newcastle*, who
spoke next, maintained on the contrary, ‘That the
‘forces now on foot, were necessary, both for the
‘support of the government, and the protection of
‘our allies; that it ought to be considered, that
‘when the late rebellion broke out, we had double
‘the number of regular troops, and yet the go-
‘vernment was obliged not only to send for some
‘regiments from *Ireland*, but also for a body of
‘auxiliary forces from *Holland*; and, that since the
‘forces were necessary, the bill in question, which
‘was only to render them useful, was no less ne-
‘cessary.’ The Lord *North* and *Grey* made af-
terwards

terwards a long speech, wherein, among other things, he said, ‘ That before the noble Peer who spoke last was born, he had seen the time when the nation was in danger of losing their liberties by a standing army.’ And then his Lordship urged, ‘ That the power of life and death, which by this bill was given to a court martial, was unnecessary, unusual, and unjust.’ It being then about five in the evening, the Duke of *Buckingham* said, ‘ That in his opinion, a great deal of time was spent to little purpose : For, if their Lordships would enter regularly upon the merits of this bill, they ought to be in a Committee, where every Lord would have an opportunity to speak as often as he thought fit.’ Notwithstanding this, the debate still continued, and the Lord *Harcourt* made a speech, wherein, among other arguments, he urged, ‘ That the Parliament, that is, the re-

‘ presentative of the whole nation, were ever ex-

‘ tremely jealous of the legislative power, with which

‘ they are vested ; and that the Lords, in a parti-

‘ cular manner, ought to be tender of it ; because

‘ ’tis a branch of their prerogative to be the su-

‘ preme court of judicature ; but that by this bill,

‘ whereby the King was enabled to establish courts

‘ martial, with power to try and determine any

‘ offences specified in the articles of war, the Par-

‘ liament vested a sole legislative power in the

‘ crown, which was communicated and delegated

‘ to a council of war. That this bill sets aside all

‘ other laws, both civil and ecclesiastical, in rela-

‘ tion to the soldiery ; and gives courts martial a

‘ larger jurisdiction than seemed necessary for

‘ maintaining discipline in the army ; such jurisdic-

‘ tion extending not only to mutiny, desertion, and

‘ breach of duty, but also to immoralities, and

‘ other offences, which might be committed by

‘ any officer or soldier, towards any of his fellow

‘ subjects, whereby the law of the land might ei-

Lord Har-
court's
speech.

' ther be obstructed or superseded by a court mar-
 ' tial. That the officers constituting a court mar-
 ' tial did, at once, supply the place of judges and
 ' jurymen, and ought therefore to be upon their
 ' oath, upon their trying any offence whatsoever ;
 ' whereas it is provided by this bill, that they shall
 ' be sworn upon their trying such offences only as
 ' are punishable by death. That martial courts
 ' assume to themselves an arbitrary and unprece-
 ' dented authority, of which they had a fresh re-
 ' markable instance, an ensign of the guards hav-
 ' ing been sentenced to death without being heard,
 ' which was contrary to *magna charta*, and to the
 ' birth-rights and privileges of *Englishmen* ; and
 ' therefore they ought to restrain so dangerous a
 ' power.' The Lord *Harcourt* was supported by
 the Lord Viscount *Townshend*, but was opposed by
 the Lord *Coningsby*, and the Lord *Carteret*. The
 latter, among other things, said, ' That he had
 ' maturely considered the affair now in agitation,
 ' not as a person in a public station, but as a pri-
 ' vate unprejudiced man ; and that he was con-
 ' vinced in his judgment and conscience, that it is
 ' necessary both for the support of the present hap-
 ' py establishment, and the security of the nation,
 ' to keep up the forces now on foot ; and that he
 ' was confirmed in this opinion, by considering
 ' what thoughts the Pretender and his friends had
 ' of this matter, and reflecting that they have no-
 ' thing more at heart, than to procure the disband-
 ' ing of those forces that have suppressed the late
 ' unnatural rebellion. That he doubted not but
 ' the whole body of the nobility that made up that
 ' august assembly, was inviolably attached to his
 ' Majesty King *George* ; that his Majesty had also
 ' the best part of the landed, and all the trading
 ' interest ; that as to the clergy he would say no-
 ' thing—but that it was notorious, that the ma-
 ' jority of the populace had been poisoned, and
 ' that

Lord Carteret's
 speech.

‘ that the poison was not yet quite expelled. That
‘ the dangers which seemed to be apprehended
‘ from the present army may be chimerical, or, at
‘ least, easily remedied in any subsequent session of
‘ Parliament, whereas the dangers with which the
‘ nation is threatened from the Pretender and his
‘ friends, in case there were no army to oppose
‘ them, are real, and the mischiefs that might en-
‘ sue, upon the success of their designs, irrepara-
‘ ble. That if there had been such a standing force
‘ as we now have, timely to suppress the tumults
‘ and riots which were raised soon after his Maje-
‘ sty’s accession to the throne, in all probability
‘ there had been no open rebellion ; that, on the
‘ other hand, if there had not been troops ready at
‘ hand, to assist the civil power in suppressing the
‘ late riotous assemblies of the wool-combers and
‘ weavers, in the counties of *Devon* and *Somerset*,
‘ there had by this time been another rebellion.
‘ That the mentioning *magna charta* was, in his
‘ opinion, entirely foreign to the present debate ;
‘ that the thing now in question, and that wherein
‘ they were immediately concerned, was to secure
‘ and support the government and the protestant
‘ succession, against vigilant, bold, and restless ene-
‘ mies ; and that they had the more reason to be
‘ upon their guard, in that the trumpeters of sedi-
‘ tion and rebellion had again forcibly intruded into
‘ several pulpits in *Scotland*.’

The Earl of *Abingdon* answered this speech, and the Lord *Cadogan* having spoken on the contrary side, the Earl of *Ilay* supported the Lord *Trevor*’s motion, and endeavoured to shew, that a standing army in time of peace, would rather increase than lessen the enemies of the government. My Lord *Carteret* replied to him. After which the question was put upon the said motion, and carried in the negative by 14 voices, *viz.* Not content 76, proxies 15, in all 91 : content 52, proxies 25, in all 77.

Dissentient. *Buckingham, Anglesey, Jo. Winton, W. Ebor. North and Grey, Scarsdale, Strafford, Poulet, Boyle, Mansel, Compton, Weston, Bingley, Willoughby de Broke, Fr. Cestriensis, Geo. Bristol.*

Then a motion was made, ‘ That it be an instruction to the said Committee of the whole house, that they do make an effectual provision to secure the obedience both of the officers and soldiers to be continued, by this bill, to the civil Magistrate according to law.’ But it being represented, That the said clause was altogether unnecessary, the question being put on the said motion, was resolved in the negative by 11 votes, *viz.* Not content 73, Proxies 15, in all 88 : Content 53, Proxies 24, in all 77.

Dissentient. *Jo. Winton, Anglesey, Salisbury, W. Ebor. North and Grey, Scarsdale, Strafford, Poulet, Boyle, Mansel, Compton, Weston, Bingley, Willoughby de Broke, Fr. Cestriensis, Geo. Bristol.*

Memorandum.

Protest of
several
Lords.

We whose names are subscribed, do protest against the first above-mentioned resolution, for refusing the first moved instruction to the Committee on the mutiny bill, for the reasons following :

I. **B**Ecause the exercise of martial law, in time of peace, with such power as is given by this bill to inflict punishments extending to life and limb, was not in the first year of this reign, nor had in any former reign been allowed within this kingdom, by consent of Parliament : But has, upon any attempt made to introduce such a power, been opposed and condemned by Parliament, as repugnant to *Magna Charta*, and inconsistent with the fundamental rights and liberties of a free people.

II. Because

II. Because after the peace of *Ryswick* and that of *Utrecht*, in the several reigns of King *William* and Queen *Anne*, of glorious and ever blessed memories, no such power was given to any courts martial; and yet it is well known, that the forces then continued on foot, were kept in exact discipline and order.

III. Because it is not ascertained by this bill, or by any other known law or rule, what words or facts amount to mutiny or desertion, or to any exciting, causing, or joining in mutiny; and consequently the Judges of a court martial have it in their power, to declare what words or facts they think fit to be mutiny or desertion, and to take away the life of any officer or soldier by such an arbitrary decision.

IV. Because, should death be thought the proper punishment, in time of peace, for mutiny and desertion, or even for the least disobedience to any lawful command, yet, as we conceive, the nature of such offences ought first to be ascertained by this bill; and the said offences being declared capital, the trial thereof ought to have been left to the ordinary course of law; in consequence whereof, the officers and soldiers would, upon such trials, have been intitled to all those valuable privileges which are the birth-right of every *Briton*: Nor does it appear to us, that any inconvenience could thereby have arisen to the public in time of peace, at least, not any such as can justify our depriving the soldiery of those legal rights, which belong to the meanest of their fellow subjects, and even the vilest of malefactors.

W. Ebor. Strafford, Guilford, de Loraine, Abingdon, Dartmouth, Belhaven, Jo. London, Harcourt, Willoughby de Broke, Townshend, Boyle, Bristol, Castleton, Foley, Tadcaster, Poulet, Gower, Rutland, Mountjoy, Bathurst, Lumley, Trevor, Bingley, Bute, P. Herefordiensis, Berkley of Str', Northampton, Ilay, Westor,

ton, Devonshire, Scarsdale, Mansel, Fr. Roffensis, Oxford, Fr. Cestriensis, George Bristolensis, Compton, North and Grey, Greenwich, Masham.

Memorandum.

Another
protest of
the Lords.

We whose names are subscribed, do protest against the resolution for refusing the other instruction moved to be given to the said Committee on the mutiny bill, for the reasons following :

I. **B**Ecause no provision whatsoever is made by this bill, for securing the obedience of the military to the civil power, on which the preservation of our constitution depends.

II. Because we conceive, that a great number of armed men, governed by martial law, as they have it in their power, so are they naturally inclined, not only to disobey, but to insult the authority of the civil Magistrate ; and we are confirmed in this opinion, as well by the experience of what has happened here at home, as by the history of all ages and nations, from which it appears, That wherever an effectual provision has not been made, to secure the obedience of the soldiers to the law of their country, the military has constantly subverted and swallowed up the civil power.

The Lords who subscribed the former reasons, subscribed these also.

Then the Lords went into a Committee of the whole house, of which the Earl of *Clarendon* was chosen chairman ; and it being past eight o' clock in the evening, the said Committee adjourned 'till the next day.

On *Friday* the 21st of *February*, the house of Lords being adjourned during pleasure, and put into
the

the said Committee, those who opposed the mutiny bill, began with raising objections against the preamble of it, which suggests, That the number of 16347 men is necessary : Urging, They did not know from whence that necessity should arise, the kingdom being now in full peace, without any just apprehension, either of insurrections at home, or invasions from abroad ; and therefore it was moved, That the said number of 16347 men be reduced to 12000. Hereupon there was a great debate, that lasted 'till about six o'clock in the evening, and the principal speakers in it were the following : Against the bill, the Earl of *Oxford*, Lord *Trevor*, Lord *Harcourt*, Earl of *Abingdon*, Earl of *Ilay*, Duke of *Buckingham*, Lord *Bathurst*, Lord *North* and *Grey*, Lord Bishop of *Hereford* : For the bill, Earl of *Sunderland*, Lord Viscount *Stanhope*, Lord *Cowper*, Lord *Cadogan*, Lord *Parker*, Duke of *Roxburgh*, Lord *Coningsby*.

The Earl of *Oxford* urged, ‘ That the keeping up
 ‘ a standing army in time of peace, was not the way
 ‘ to gain the hearts, but rather to encrease the disaf-
 ‘ fection of the people ; and that all good and wise
 ‘ Princes had ever chosen to depend rather on the af-
 ‘ fections of their subjects, than on a military force.’
 Which his Lordship illustrated by several instances
 out of our *English* history, and, in particular, by
 the fresh examples of the late King *William* and
 Queen *Anne* ; adding, ‘ That none but bad and
 ‘ corrupt Ministers have need of troops to maintain
 ‘ their authority and unwarrantable proceedings.’
 Then the Lord *Stanhope*, in vindication of the pre-
 sent administration, and from the posture of affairs
 both at home and abroad, argued the necessity of
 maintaining a greater force than in former times.
 And it being suggested on this occasion, That 'twas
 hoped no Minister would advise the King to enter
 into

Debate on a
 motion for
 reducing the
 forces.

into a war, his Lordship replied, ' That he would
 ' be the first that should advise him to it, if he thought
 ' the honour of the crown concerned in it.' Upon this, the Lord *Bathurst* said, ' He was sur-
 ' prized to hear such an expression from a person in
 ' his Lordship's station, whose principal care, one
 ' would think, should be rather to discharge the
 ' great burthen, which has been left upon the nation
 ' by the two last wars, than to involve it in a new
 ' one, which can hardly be maintained without ma-
 ' king use of the funds that have been appropriated
 ' for the payment of old debts.' My Lord *Cadogan*
 having afterwards represented, ' That if the army
 ' was reduced to 12000 Men, it were impossible,
 ' upon any emergency, to assemble a body of
 ' 4000 men in any part of *Great Britain* besides
 ' *London*, without leaving the sea ports, and other
 ' important posts, unguarded.' This gave my Lord
Carteret occasion to suggest, ' That they ought not
 ' to retrench the 4000 men who were most necessa-
 ' ry.' Hereupon the question being put, whether
 the word sixteen (thousand) should stand part of the
 clause of the preamble, it was resolved in the affir-
 mative, by a majority of 72 voices against 50.
 After this it being moved, and the question put,
 that the house be now resumed, it was resolved in
 the negative, by 74 voices against 48 ; and then their
 Lordships proceeded to the clause whereby mutiny
 and desertion are made punishable by death ; and
 the question being put, whether the words (death or)
 should stand part of the said clause, it was resolved
 in the affirmative without dividing.

The next day, the Lords went again into a grand
 Committee on the mutiny bill ; and it was proposed,
 that in the clause which obliges Judges of a court-
 martial to take an oath, when they try criminals for
 such crimes as may extend to death, to insert, after
 death, the words, *or otherwise* : But the question be-
 ing

ing put, Whether those words should be added, it was carried in the negative, by 68 voices against 43. After this it was proposed to leave out the clause which enables *his Majesty to constitute and settle articles of war* ; and the question being put, Whether that clause should stand part of the bill, it was resolved in the affirmative, by 58 against 30. All the other enacting clauses were afterwards agreed to without dividing, though several speeches were made for and against, on this occasion : The most remarkable of which, were those of the Lord *Stanhope* and of the Earl of *Strafford*. The first having suggested, ‘ That all the objections raised against this bill, amounted to no more than bare suppositions of chimerical dangers : and defied any body to charge the administration, with any thing that might give just ground of apprehension for the liberties of the people :’ Adding, ‘ That if the government be now obliged to keep a greater number of forces than formerly, it is partly owing to the situation in which the affairs of *Europe* have been left by the late scandalous peace.’ Hereupon the Earl of *Strafford* said, ‘ He could not be silent while a work, in which he had so great a share, was so openly attacked ; but that the peace, which some are pleased to call scandalous, was approved by three successive Parliaments ; and in particular, by some Peers now in place ; That he would venture to affirm, that this very peace had left the affairs of *Europe* in a better posture than they seem to be in at present, at least, with respect to *Great Britain* : That notwithstanding the great advantages which some boast to have obtained by the late treaties, they have yet found the way to lose our trade to *Sweden*, to endanger that to *Spain* and *Italy*, and to keep a standing army in full peace ; But that time will shew, whether three successive Parliaments will approve these measures,

‘ as

‘as well as the peace which is called infamous.’ At the same time, his Lordship animadverted on the late proclamation, for allowing the importation of *Swedish* iron from all places, other than from the dominions of the King of *Sweden*, which was in effect no more than to appoint the *Dutch* to be our factors for *Swedish* iron. After some other speeches, towards seven o’clock in the evening, the house was resumed, and the Earl of *Clarendon* reported, That the Committee had gone through the bill, and thought fit to pass it without amendment; upon which it was ordered to be read a third time on the 24th, and the Lords to be summoned.

The mutiny
bill passed by
the Lords.

Accordingly, on the 24th of *February*, the bill was read a third time, and the Lord *North* and *Grey* made a summary recapitulation of the objections raised against it; but being neither backed by any of his party, nor answered by any of the contrary side, the question was put, Whether this bill shall pass; and it was resolved in the affirmative. Content 67, Proxies 21, in all 88. Not content 40, Proxies 21, in all 61.

Hereupon several Lords entered the following Protest.

Dissentient.

A protest of
the Lords,
against the
mutiny bill.

I. **B**Ecause the number of 16347 men is declared necessary by this bill, but it is not therein declared, nor are we any way able to satisfy ourselves, from whence that necessity should arise, the kingdom being now (God be praised) in full peace, without any just apprehension, either of insurrections at home, or invasions from abroad.

II. Because so numerous a force is near double to what hath ever been allowed within this kingdom, by authority of Parliament, in times of public tranquillity;

lity ; and being, as we conceive, no ways necessary to support, nay, we fear, dangerous to our constitution, which hath never yet been entirely subverted but by a standing army.

III. Because the charge of keeping up so great a force ought not unnecessarily to be laid on the nation, already over-burthened with heavy debts, and this charge we conceive to be still more unnecessarily encreased, by the great number of officers now kept on the establishment, in time of peace ; a number far greater (in proportion to that of the soldiers commanded by them) than hath ever yet been thought requisite in times of actual war.

IV. Because such a number of soldiers dispersed in quarters throughout the kingdom, may occasion great hardships, and become very grievous to the people, and thereby cause or encrease their disaffection, and will, probably, ruin many of his Majesty's good subjects on whom they shall be quartered, and who have been already by that means greatly impoverished.

V. Because such a standing force, dangerous in itself to a free people in time of peace, is, in our opinion, rendered yet more dangerous, by their being made subject to martial law : A law unknown to our constitution, destructive of our liberties, not endured by our ancestors, and never mentioned by any of our statutes, but in order to condemn it.

VI. Because the officers and soldiers themselves, thus subjected to martial law, are thereby, upon their trials, divested of all those rights and privileges, which render the people of this realm the envy of other nations, and become liable to such hardships and punishments, as the lenity and mercy of our known laws utterly disallow ; and we cannot but think

think those persons best prepared, and most easily tempted to strip others of their rights, who have already lost their own.

VII. Because a much larger jurisdiction is given to courts martial, by this bill, than to us seems necessary for maintaining discipline in the army, such jurisdiction extending not only to mutiny, desertion, breach of duty, and disobedience to military commands, but also to all immoralities, and every instance of misbehaviour, which may be committed by any officer or soldier, towards any of his fellow subjects ; by which means the law of the land, in cases proper to be judged by that alone, may, by the summary method of proceedings in courts martial, be obstructed or superseded, and many grievous offences may remain unpunished.

VIII. Because the officers constituting a court martial do at once supply the places of Judges and Jurymen, and ought therefore, as we conceive, to be sworn upon their trying any offence whatsoever ; and yet it is provided by this bill, that such officers shall be sworn upon their trying such offenders only as are punishable by death, which provision, we apprehend, to be defective and unwarranted by any precedent ; there being no instance within our knowledge, wherein the Judges of any court, having cognizance of capital and lesser crimes, are under the obligation of an oath in respect of the one, and not of the other.

IX. Because the articles of war, thought necessary to secure the discipline of the army, in cases unprovided for by this bill, ought, in our opinion, to have been inserted therein, in like manner as the articles and orders for regulating and governing the navy, were enacted in the 13th year of King *Charles II.* to the end, that due consideration might have been had by

by Parliament, of the duty enjoined by each article to the soldiers, and of the measure of their punishment ; whereas the sanction of Parliament is now given by this bill, to what they had no opportunity to consider.

X. Because the clause in the bill, enabling his Majesty to establish articles of war and erect courts martial, with power to try and determine any offences to be specified in such articles, and to inflict punishments for the same within this kingdom in time of peace, doth, as we conceive, in all these instances, vest a sole legislative power in the crown, which power, how safely soever it may be lodged with his present Majesty, and how tenderly soever it may be exercised by him, may yet prove of dangerous consequence, should it be drawn into precedent in future reigns.

XI. Because the clause of the bill alledged to be made for enabling honest creditors to recover their just debts from soldiers, seems to us rather to give protection to the soldier, than any real advantage to his creditor, or other person, having just cause of action against him. It protects the person of a soldier from execution as well as *mesne process* for any debt under 10 *l.* and it protects the estate and effects, as well as the person of every soldier, from all other suits, but for debt, where the cause of action doth not amount to the like sum ; and in other cases, where the cause of action exceeds that value, plaintiffs are, in many instances, put under unreasonable difficulties, as we conceive, before they can be allowed even to commence their suit ; so that their bare compliance therewith may become more grievous to them than the loss of their debt, or a quiet submission to the wrong sustained, by which means his Majesty's good subjects may be highly injured in their properties, and insulted in their persons by the soldiery, and yet

yet be deprived of the legal remedies appointed for the redress of such grievances.

W. Ebor. Northampton, Strafford, Fr. Cestriens. Scarsdale, Bristol, Gower, Greenwich, Compton, Powlet, Boyle, Litchfield, Tadcaster, Bute, Guilford, Harcourt, North and Grey, Foley, Ilay, Mansel, Dartmouth, Bathurst, Weston, P. Hereford. Trevor, Fr. Roffen. Abingdon, Oxford.

Debate in
the house of
Lords on the
bill about
forfeited
estates.

March 4. The Lords read the first time the bill for vesting the forfeited estates in *Great-Britain* and *Ireland* in Trustees, to be sold for the use of the public; and the question being put, that the bill be read a second time, it occasioned a great debate: The Lord *North* and *Grey* spoke first against it, and urged the excessive power which the bill gave the Trustees, and by which many families might be oppressed and ruined: His Lordship was seconded and supported by the Lords *Trevor* and *Harcourt*, the Duke of *Argyle*, and some others, who, among other reasons, urged, ‘ That this bill, by leaving
‘ the claims to the forfeited estates, to the final de-
‘ termination of the Trustees, not only clashed with
‘ the act of union, in that it suspended and set aside,
‘ in that respect, the courts of judicature in *North*
‘ *Britain*, which, by the said act, ought to remain
‘ entire; but was likewise derogatory to the privi-
‘ leges and authority of the house of Peers, who
‘ are supreme Judges in all civil causes.’ It was also alledged, ‘ That by the method that had been fol-
‘ lowed, the public would get little or nothing by
‘ the forfeitures; whereas, if the scheme proposed
‘ by Sir *David Dalrymple* had been pursued, the
‘ same would have yielded considerable sums, with-
‘ out any oppression to the subject. The Earl of *Sunderland*, and the Lords *Stanhope*, *Parker*, and *Coningsby*, answered the objections raised against the bill;

bill; and it was at last resolved, That it should be read a second time; and a message sent to the Commons, to acquaint them, ' That their Lordships having that bill under their consideration, they did desire that the Commons would give leave, that such of the Commissioners of enquiry as were members of that house, as also Sir *David Dalrymple*, his Majesty's Advocate-General of *Scotland*, might attend their Lordships house the *Thursday* following.' This message being immediately sent to the Commons, they resolved, 1. That they would send an answer to it by messengers of their own. And 2. That they would the next morning take the said message into farther consideration.

Accordingly the next day (*March 5.*) the Commons proceeded to take the said message into consideration; and appointed a Committee to search precedents with relation to it. Mr. *Leckmere* being chosen Chairman of that Committee, which sat 'till late in the night, reported the next day (*March 6.*) to the house, ' That they had searched the journals of the house, and had directed him to report what they had found therein;' and he read the same in his place, and then delivered the report in at the table. It appearing by this report, that the like desire of the Lords had, on some occasions, been complied with, and at other times denied, the Commons, who were now resolved to follow the precedents for the latter, lest the Lords should make alterations in a money bill, put off the consideration of the said report 'till the next day. Hereupon the Lords, who had waited for an answer from the Commons 'till three o'clock in the afternoon, proceeded to the second reading of the bill, and it being moved to have it committed, it occasioned a great debate. The Lord *Harcourt*, the Earl of *Ilay*, and the Duke of *Argyle* urged several reasons against the bill; and were answered by the Lords *Cowper*,

Stanhope, and *Coningsby*; after some other speeches for and against it, the question being put, it was carried in the affirmative, by 80 votes or proxies, against 73, and resolved, ‘That the said bill be referred to a Committee of the whole house the *Saturday* next following.’ In the mean time, the Commons having met again on *Friday* the 7th of *March*, read only a petition of the Tanners in the county of *Brecon*, and then immediately adjourned ‘till *Monday* the 10th, to avoid taking into farther consideration either the Lords message, or the report of their own Committee about precedents.

On *March* 8, there was a great debate in the house of Lords upon the third reading of a bill from the Commons, intituled, *An act to empower the Commissioners appointed to put in execution the act for building fifty new churches in London and Westminster, to direct the parish-church of St. Giles’s in the Fields, in the county of Middlesex, to be rebuilt, instead of one of the said new churches.* The Archbishop of *York* and some other Prelates strenuously opposed this bill, urging among other arguments, ‘That it was a misapplication of money already granted by Parliament for a pious use.’ It was also proposed, ‘That in the preamble of the said bill, the words, *of pious memory*, should be added, after the name of the late Queen;’ but it was carried by a majority of seven voices, that the bill pass without any amendment; whereupon the Archbishop of *York*, the Bishops of *London*, *Hereford*, *Bristol*, and *Rockester*, the Earls *Poulet*, and *Oxford*, and the Lords *Foley*, *Willoughby of Broke*, *Masham*, *Berkley*, and *Mansel*, entered their protests.

Die

Die Sabbati 8^o Martii, 1717.

Hodie 3a vice lecta est billa, intituled, An act to impower the Commissioners appointed to put in execution the acts of the ninth and tenth years of her late Majesty's reign, for building fifty new churches in and about the cities of *London* and *Westminster* and suburbs thereof, to direct the parish-church of *St. Giles in the fields*, in the county of *Middlesex*, to be rebuilt, instead of one of the said fifty new churches.

Protest against the Resolution against inserting [pious memory] in the bill for rebuilding St. Giles church.

Then it being moved, that in the 3d line of the 1st press after the words [*Queen Anne*] the words [of pious memory] may be there inserted,

The same was objected to.

After debate, the question was put, whether the said words [of pious memory] shall be there inserted?

Contents 33
Not Cont. 54

It was resolved in the negative.

Dissentient

Because we cannot but judge these words [of pious memory] highly decent and proper to have been inserted in a bill reciting two pious and gracious acts of Parliament passed in the reign of her late Majesty, for the rebuilding of fifty new churches? a work earnestly recommended by her Majesty to her Parliament, and by them declared to be so much for the honour of God, the spiritual welfare of her Majesty's subjects, the interest of the established church, and the glory of her Majesty's reign.

<i>W. Ebor.</i>	<i>Strafford,</i>	<i>P. Hereford.</i>
<i>Fran. Cestriens.</i>	<i>Job. London,</i>	<i>North and Grey,</i>
<i>Compton,</i>	<i>Geo. Bristol,</i>	<i>Mansell,</i>
<i>Willoughby de</i>	<i>Boyle,</i>	<i>Berkeley of Strat-</i>
<i>Broke,</i>	<i>Masbam,</i>	<i>ton,</i>
<i>Buckingham,</i>	<i>Fr. Roffen.</i>	<i>Oxford,</i>
<i>Poulet,</i>	<i>Foley,</i>	<i>Bathurst.</i>

Bill passed.

Then after farther debate in relation to the aforementioned bill,

Contents 49 }
Proxies 21 } 70

The question was put, whether this bill shall pass?

Not Cont. 38 }
Proxies 25 } 63

It was resolved in the affirmative.

Dissentient

1st, Because it doth not appear to us, from any declaration in his Majesty's name to either house of Parliament, that his royal leave was given for bringing in the said bill, as, we humbly conceive, it ought to have been, for bringing in a bill of this nature.

2^{dly}, Because this bill, in our opinion, manifestly tends to defeat the ends and purposes of two acts of Parliament for building fifty new churches, and yet at the same time asserts that the intention of the said acts would be hereby answered.

3^{dly}, Because this bill farther asserts, that the parish of *St. Giles* is in no condition to raise or pay the sum of three thousand pounds and upwards, for the repair of its parish-church, which we apprehend to be evidently false in fact; and if true, to be no reason for rebuilding the said church out of the fund given for building fifty new churches.

4^{thly}, Because this bill moreover asserts, that the said parish-church, when rebuilt, and the church, which is now building in the said parish, by virtue
of

of the acts for building fifty new churches, will be sufficient for the inhabitants of the said parish; whereas we are credibly informed, and, upon the best calculation, do believe, that there are about forty thousand souls in the said parish, and do think, that three new churches, together with the present parish-church, will be barely sufficient for that number.

5thly, Because if this precedent of rebuilding old churches out of the fund appropriated for building new ones should be followed, and the ends of the above said acts should be thereby in any great measure defeated, we are apprehensive, that many thousands of his Majesty's good subjects, in and about these populous cities, will be left unprovided of churches, whereunto they may resort for the public worship of God, and will thereby remain destitute of the necessary means of being instructed in the true christian religion, as it is now professed in the *church of England*, and established by the laws of this realm.

W. Ebor.	Mansell,	Oxford,
Geo. Bristol,	Job. London,	P. Hereford,
Willoughby de	Strafford,	North and Grey,
Broke,	Bathurst,	Masham,
Berkeley of Strat-	Poulet,	Foley,
ton,	Fr. Cestriens.	Boyle.
Fr. Roffen,		

The same day the Lords, in a Committee of the whole house, took into consideration the *bill for sale of the forfeited estates*, and notwithstanding the great opposition that was made to most of its clauses, they went through it without any amendment.

March 11. The Lords, in a grand Committee, made several amendments to the *bill for the farther preventing*

preventing robberies, and for the more effectual transportation of felons ; after which their Lordships read the third time the *Bill for vesting the forfeited estates in Trustees, &c.* and a motion being made that the bill do pass, there arose a debate that lasted from four 'till seven o'clock in the afternoon, when the question being put upon the said motion, it was carried in the affirmative by a majority of six votes only, viz. 82 against 76. Whereupon several Lords entered the following protest.

Die Martis 11^o Martii, 1717.

Protest against the Bill for sale of forfeited estates.

Hodie 3a vice lecta est billa, intituled, an act for vesting the forfeited estates in *Great-Britain* and *Ireland* in Trustees, to be sold for the use of the public, and for giving relief to lawful creditors, by determining their claims, and for the more effectual bringing into the respective *Exchequers* the rents and profits of the said estates, till sold.

Contents 55 }
Proxies 27 } 82

The question was put, whether this bill shall pass?

Not Cont. 45 }
Proxies 31 } 76

It was resolved in the affirmative.

Dissentient

1st, Because, we humbly conceive, that the charges of this commission are a very great and unnecessary burthen on the public, and will swallow up a great part of that fund the Commissioners are appointed to be guardians of ; whereas the ends of that trust, which is lodged in them by this bill, might have been more easily, more justly, and with less expence, attained by the known and ordinary course of the law.

2^{dly}, Because there is erected in this bill a court of judicature with strange and new powers, viz. in a summary way, and without the formality of proceedings

ceedings in the courts of law or equity, to proceed by, and upon the testimony of witnesses upon oath ; examination of persons claiming, or otherwise interested, upon their oaths ; inspection and examination of deeds, writings and records ; and by all or any of the said ways and means, or otherwise, according to the circumstances of the case, or of the persons claiming, as soon as conveniently may be, to hear, determine, and adjudge, all and every claim and claims : Which words seem to contain the most arbitrary and unlimited authority that can possibly be created ; and in particular, the expression concerning the circumstances of the persons, is not only unknown to our laws, but prescribes a rule which was never yet thought to be a proper ingredient in the impartial administration of justice.

3dly, Because there is in this bill a penalty laid on the witnesses who shall forswear themselves to support any claim, but no punishment inflicted on those who shall make false oaths in order to defeat any just demand.

4thly, Because there is nothing in this bill which incapacitates the Commissioners, or any in trust for them, to purchase claims on the forfeited estates ; and yet in case they should make such purchases, they will become both Judges and parties in the same cause, and consequently be exposed to temptations of a great and dangerous nature.

5thly, Because the reversing and making void all acts and decrees of any court of judicature, passed since the 24th day of June, 1715, concerning any right, charge, or interest, out of any of the forfeited estates, and they not saving to all creditors and other claimants such right as they had before the passing this bill, does greatly endanger, if not totally make void, the just demands of such creditors or

other claimants, which they have not only in many cases a right to, by the ancient laws of their country, but which are secured to them (at least in that part of *Great-Britain* called *Scotland*) by the faith of an act of Parliament, as a future reward of their dutiful and loyal behaviour to his Majesty and his government, when the nation was threatened with the greatest dangers ; which reward has been confirmed to them by a subsequent act.

6thly, Because the time of entering claims on estates forfeited, or to be forfeited before the 24th day of *June*, 1718, is allowed no farther than to the first of *June* in the said year ; whereby all creditors, claimants, and *bona fide* purchasers of estates, which may be forfeited between the first and twenty-fourth of *June* aforesaid, are absolutely and expressly barred and excluded,

7thly, Because the setting up a new court of judicature for claims on forfeited estates, in any part of *Great-Britain*, is wholly unprecedented, and the privileges and jurisdiction of this house are thereby diminished and endangered, but much more so, by the reversing decrees of courts of judicature already made, which, whether they are erroneous or legal, ought (as the constitution of this kingdom now is, and hath hitherto been) to be reviewed, reversed, or affirmed by no other jurisdiction whatsoever, but that which is inherent in *the house of Lords*.

8thly, Because the court of session is by this bill discharged from exercising their lawful jurisdiction, notwithstanding that the foundation of the constitution of the united kingdom of *Great-Britain* is the articles of the union ; wherein it is expressly stipulated, that the court of session shall remain in all time coming as it was then constituted, with the same authority and privileges as before the union ; and though

though the said court was subjected to regulation, for the better administration of justice, yet the jurisdiction of it was in no case to be totally extinguished.

9thly, Because the erecting new jurisdictions with such indefinite powers, exclusive of *the house of Lords*, the making void or endangering the rights of great numbers of lawful creditors or other claimants, secured to them by the laws, and the depriving the courts of justice of their judicature as aforesaid, we humbly apprehend, cannot but raise the highest discontent in the minds of his Majesty's subjects.

Buckingham,
Strafford,
Poulet,
Geo. Bristol,
Bathurst,
Willoughby de
Broke,
De Loraine,
Trevor,

Oxford,
Plymouth,
North and Grey,
Mansell,
Fr. Roffen.
Northampton,
Compton,
Tadcaster,
Guilford,

Hay,
Greenwich,
Boyle,
Weston,
Litchfield,
Belhaven,
Foley,
Masbam,
Montjoy.

The Commons met again on the 14th of *March*, and after some time spent in considering the amendment made by the Lords to the felons bill, they adjourned till the 17th.

The same day (*March* 14.) the Lords, in a grand Committee, took into consideration the bill from the Commons, intitled, *An act for the better explaining several acts, for erecting of hospitals and work-houses within the city of Bristol*; and after they had heard counsel for the petitioners against the bill, their Lordships examined the said bill paragraph by paragraph, and went through it with some amendments; notwithstanding the great opposition that was made by the Lord Bishop of *Bristol*, and in particular, to the clause for repealing the clause of the act 12^o *Annæ*.

March

March 15, the Lords, in a grand Committee, went through the *bill for the repair of Dover harbour*; and read the third time, and, with the amendments, agreed to the *bill for the better explaining several acts, for erecting of hospitals and work-houses within the city of Bristol*. Hereupon several Lords entered the following protest against the said bill:

Dissentient.

Protest against the bill for erecting hospitals in Bristol.

I. **B**Ecause the comprehensive latitude of this bill is such, that all the persons, without discrimination, whether well or ill affected to our constitution in church or state, papists as well as protestants, nonjurors as well as those who take the oaths, jews as well as christians, are alike capable of being admitted into the corporation to which this bill refers, and of sharing all the trusts and powers lodged in the members thereof.

II. Because this bill, whilst it complains of the difficulty of finding a sufficient number of proper and well qualified persons to be elected and constituted guardians and officers of the said corporation, and, to avoid that difficulty, lets in dissenters, doth, at the same time, shut out the church-wardens, who, by a former act, were incorporated therein, and who, by our constitution, have the care of the poor, in a special manner, intrusted with them.

III. Because this bill repeals a law, by which dissenters were excluded from places and offices in this corporation; and this repeal may, hereafter, be made use of as a precedent for abrogating other laws as yet in force, in order to their admission into all places and offices whatsoever.

IV. Because this bill by exempting the guardians and officers therein mentioned, from the penalties and forfeitures of the corporation and test-acts, doth,

doth, in our opinion, very much weaken the force of those acts, which are declared by that clause in the act of union, which enacts, that the act for ministers of the church of *England* to be of sound principles, and the act for uniformity, and all and singular other acts of Parliament then in force, for the establishment and preservation of the church of *England*, shall remain, and be in full force for ever.

Geo. Bristol. Mansel, Compton, Boyle, Ilay, Bathurst, Oxford, Strafford, Weston, Jonat. Wint. Fr. Roffen.

March 17, The Commons being met again, Mr. Speaker acquainted the house, that (pursuant to their order of the 10th instant) he did, on *Saturday* last, signify in writing to the governor and company of the bank of *England*, the resolutions of the house, to redeem the annuity for circulating and exchanging *exchequer* bills : After this Mr. *Boscawen* acquainted the house, that he had a message to this house signed by his Majesty : Which he presented to the house, and it was read by Mr. Speaker as follows, *viz.*

GEORGE R.

HIS Majesty being at present engaged in several negotiations, of the utmost concern to the welfare of these kingdoms, and the tranquillity of Europe ; and having lately received information from abroad, which makes him judge that it will give weight to his endeavours, if a naval force be employed where it shall be necessary, does think fit to acquaint this house therewith ; not doubting but that in case he should be obliged, at this critical juncture, to exceed the number of men granted this year for the sea-service, the house will, at their next meeting, provide for such exceeding.

A message
from his
Majesty.

Upon

Address
thereupon.

Upon this Sir *William Strickland* moved, ‘ That
‘ an humble address be presented to his Majesty,
‘ to return his Majesty the thanks of this house, for
‘ his unwearied endeavours to promote the welfare
‘ of his kingdoms, and to preserve the tranquillity
‘ of *Europe* ; and to assure his Majesty, that this
‘ house will make good such exceedings of men
‘ for the sea-service of the year 1718, as his Ma-
‘ jesty in his royal wisdom shall find necessary to
‘ obtain those desirable ends.’ This motion being
seconded, and no body opposing it, the question
was put thereupon, and carried without dividing.
’Tis however remarkable, that the *Spanish* embas-
sador having, about this time, expostulated con-
cerning the great preparations for sending a fleet in-
to the *Mediterranean*, Mr. *Walpole* said, ‘ That
‘ such an address had all the air of a declaration
‘ of war against *Spain*.

This unanimous resolution of the Commons was
very acceptable to the court, and the next day Mr.
Boscarwen acquainted the house, that their address
had been presented to his Majesty ; and that he was
commanded by his Majesty, to return his Majesty’s
hearty thanks to this house ; and to assure them,
that his Majesty shall think himself obliged, in re-
turn of the great confidence they have reposed in
him, not only to use the utmost OEconomy that
shall be consistent with the real interest of his sub-
jects, for this ensuing year ; but likewise to apply
his most earnest endeavours to prevent future bur-
thens to his people, by establishing a lasting peace
and tranquillity. After this Sir *William Thompson*
reported from the committee appointed to draw up
reasons to be offered to the Lords at a conference,
for disagreeing to some of the amendments made
by their Lordships to the *bill for the transportation of*
felons, that they had drawn up reasons accordingly ;
which,

which, one excepted, being agreed to, were the same day delivered to the Lords at a conference.

March 19. The Lords sent a message to the Commons, desiring a conference that day at two o'clock in the painted chamber, upon the subject matter of the last conference; which being agreed to, the Lords insisted upon their amendments to the *bill for the transportation of felons*, which the Commons had disagreed to, for which their Lordships gave their reasons. Sir *William Thompson*, who was at the head of the managers for the Commons, having reported the said reasons to the house, it was resolved, that this house does insist upon their disagreement with the Lords to the said amendments; and that a free conference be desired with the Lords upon the subject matter of the last conference. The Lords readily agreed to the said free conference, and appointed the same to be the next day at two o'clock, in the painted chamber; when the managers for the Commons having acquainted the Lords, that the Commons insisted on their disagreeing with their Lordships in the said amendments, their Lordships upon the report of their managers, did not think fit to insist on those amendments.

March 21. The King went to the house of Peers, and the Commons being sent for up and attending, his Majesty was pleased to give the royal assent to the several bills.

After which his Majesty was pleased to say.

My Lords and Gentlemen,

‘ **I** Have commanded my Lord Chancellor to deliver in my name and words, what I think fit should be said to you, on my putting an end to this sessions of Parliament.’

And

And thereupon his Lordship received from his Majesty's hands from the throne, his Majesty's speech to both houses of parliament ; which he read as follows, *viz.*

My Lords and Gentlemen,

King's
speech at the
end of the
session.

I Cannot put an end to this session, without re-
turning my hearty thanks to so good a Parlia-
ment, for the dispatch which has been given to
the public business. You will, I hope, in your
private capacities, feel the convenience of an early
recess ; and I am persuaded the public will re-
ceive great benefit, by the seasonable zeal and vi-
gour of your resolutions in support of my go-
vernment.

Nothing can add so much to the credit and
influence of this crown, both at home and a-
broad, as the repeated instances of your affec-
tion to me. This steadiness and resolution of
yours, will, I hope, enable me to procure, against
your next meeting, such treaties to be concluded,
as will settle peace and tranquillity among our
Neighbours.

If through the blessing of God my endeavours
to this end prove successful, I shall have the satis-
faction to silence even those who will never own
themselves convinced ; and to let all the world
see plainly, that what I have most at heart, is
the good and welfare of my people, who may
then be eased in their taxes, and enriched by their
trade.

Gentlemen of the house of Commons,

I must return you my particular thanks for the
supplies you have so chearfully granted, and for
the late instance of your confidence in me. I
promise you, that my endeavours shall not be
wanting

‘ wanting to make use of both to the best advantage, for the good of my people.

My Lords and Gentlemen,

‘ The practices which are daily used by a most restless and unhappy set of men, to disturb a government by whose clemency they are protected, require our utmost attention and vigilance. I must therefore recommend it to you, that in your several stations and countries, you will endeavour to quell that spirit of disaffection, which our common enemies are so industrious to foment.’

Then the Lord Chancellor, by his Majesty’s command, prorogued the Parliament to the 20th of May.

ON the 11th of November the Parliament being met, according to their last prorogation, the King came to the house of Peers, and the Commons being sent for, and attending, his Majesty was pleased to deliver the following speech into the hands of the Lord Chancellor, who read the same to both houses :

Parliament meets.

My Lords and Gentlemen,

‘ **S**ince your last recess, I have, by the blessing of Almighty God, concluded such terms and conditions of peace and alliance between the greatest Princes of Europe, as will, in all human appearance, induce others to follow their example, and make any attempts to disturb the public tranquillity not only dangerous but impracticable.

King’s speech.

‘ These

‘ These engagements, I am persuaded, will be
‘ so much the more agreeable to all my good sub-
‘ jects, as they bind the contracting powers to sup-
‘ port the succession to these kingdoms in my fami-
‘ ly, to which some were not at all, and others not
‘ so fully bound by any former treaties.

‘ During the whole course of these negotiations,
‘ a most strict regard has been had to the interest
‘ of *Spain*; and better conditions have been stipu-
‘ lated for that King, than were insisted upon in
‘ his behalf even at the treaty of *Utrecht*; but the
‘ war in *Hungary* (which by our mediation is since
‘ happily ended) having tempted the court of *Spain*
‘ unjustly to attack the Emperor, and the hopes
‘ they have since conceived of raising disturbances
‘ in *Great-Britain*, *France*, and elsewhere, having
‘ encouraged them to believe, that we should not
‘ be able to act in pursuance of our treaties, for the
‘ defence of the dominions invaded by them, nor
‘ even to support those other essential and necessary
‘ conditions of the treaty of *Utrecht*, which provide
‘ against the great monarchies of *Europe* being at
‘ any time hereafter united under one sovereign,
‘ they have not only persisted in such a notorious
‘ violation of the public peace and tranquillity,
‘ but have rejected all our amicable proposals, and
‘ have broke thro’ their most solemn engagements
‘ for the security of our commerce.

‘ To vindicate therefore the faith of our former
‘ treaties, as well as to maintain those which we
‘ have lately made, and to protect and defend the
‘ trade of my subjects, which has in every branch
‘ been violently and unjustly oppressed, it became
‘ necessary for our naval forces to check their pro-
‘ gress. It was reasonable to hope, that the suc-
‘ cess of our arms, the repeated offers of friendship,
‘ which I have never ceased to make in the most
‘ pressing manner, and the measures taken in con-
‘ cert with the Emperor and the most christian
King,

‘ king, to restore the public tranquillity, would
‘ have produced a better disposition in the court of
‘ *Spain* ; but I have received informations, that in-
‘ stead of listening to our reasonable terms of ac-
‘ commodation, that court has lately given orders
‘ at all the ports of *Spain* and of the *West-Indies*, to
‘ fit out privateers, and to take our ships.

‘ I am persuaded that a *British* Parliament will
‘ enable me to resent such treatment, as becomes
‘ us ; and it is with pleasure that I can assure you
‘ of the ready and friendly resolutions of our good
‘ brother the regent of *France*, to concur and join
‘ with me in the most vigorous measures.

‘ The firm confidence I repose in the affection
‘ of my people, together with my earnest desire
‘ to ease them of every charge not absolutely neces-
‘ sary, determined me, immediately after the ex-
‘ change of the ratifications of our great alliance,
‘ to make a very considerable reduction of our
‘ land forces ; nor could I better express, than by
‘ so doing, how little we apprehend the attempts of
‘ our enemies to disturb the peace of my king-
‘ doms ; even tho’ *Spain* should think fit to conti-
‘ nue some time in war. Our naval force employ-
‘ ed in concert with our allies, will, I trust in God,
‘ soon put an happy end to the troubles which the
‘ ambitious views of that court have begun, and
‘ secure to my subjects the execution of the many
‘ treaties in force relating to our commerce.

Gentlemen of the house of Commons,

‘ I must desire you to grant me such supplies, as
‘ will enable me to carry on the service of the
‘ year. I have given orders to have the proper
‘ estimates laid before you, whereby you will per-
‘ ceive I have reduced the expence as much as our
‘ circumstances can well admit. I have the plea-
‘ sure to observe to you, that the funds appropri-
‘ ated for sinking the public debts, have answered

‘ above expectation. I must however recommend
 ‘ to you to consider of proper methods for improv-
 ‘ ing them, by preventing the frauds and abuses
 ‘ daily committed in the public revenues, not doubt-
 ‘ ing in all your proceedings you will have that re-
 ‘ gard to the inviolable preservation of the public
 ‘ credit, which may quiet the minds of all those
 ‘ that have trusted to parliamentary engagements.

My Lords and Gentlemen,

‘ There never was a time when your unanimity,
 ‘ your vigour, and dispatch, were more necessary
 ‘ to so many good ends, as those we have now in
 ‘ view. I have done my part. It remains with you
 ‘ to give the last finishing to this great work. Our
 ‘ friends and our enemies, both at home and a-
 ‘ broad, are waiting the event of your resolutions :
 ‘ And I dare promise myself that the first have
 ‘ nothing to apprehend, nor the others to hope,
 ‘ from your conduct in this important juncture,
 ‘ who have, during the whole course of my reign,
 ‘ given such lively proofs of your zeal and affection
 ‘ to my person, and of your love to your country.’

Motion for
 an address
 debated in
 the house of
 Lords.

The King being withdrawn, and the Commons returned to their house, the Lord *Carteret* moved for an address of thanks to his Majesty, for his care in preserving the public peace, and the ballance of power in *Europe* ; for the considerable reduction of the land forces ; and for having obtained so great and farther securities of the succession to these kingdoms in his royal family ; as also to congratulate the seasonable success of his Majesty’s naval forces ; and to assure him, that the house would support him in the pursuit of those prudent and necessary measures he had taken to secure the trade and quiet of these kingdoms, and the tranquillity of *Europe* : He was seconded by the Lord *Tenham*, but severals Lords excepted at some expressions in the said motion, which occasioned a warm debate,
 that

that lasted from three 'till eight in the evening. All the Peers that spoke were unanimous in acknowledging his Majesty's royal care, and incessant endeavours to preserve the peace and tranquillity of *Europe*, and his tender regard for the ease and interest of his subjects : But several Lords represented at the same time, ' That the congratulating his Majesty upon the seasonable success of his naval forces, and the promise to support him in the *pursuit of those prudent and necessary measures* he had taken, was, in effect, to approve a sea-fight, which might be attended with dangerous consequences, and give the sanction of that august assembly to measures, which, upon examination, might appear either to clash with the laws of nations and former treaties, or to be prejudicial to the trade of *Great-Britain*. That according to the constant usage of that house, they ought to proceed with the utmost caution and maturest deliberation in an affair, wherein the honour as well as the interest of the nation were so highly concerned ; and a Peer insisted that before they approved the sea-fight, they ought to be satisfied whether it happened before or after the signing of the quadruple alliance, and therefore moved for an address, that Sir *George Byng's* instructions might be laid before the house.' To this it was answered by a noble Earl in the ministry, ' That

Lord Stan-
hope's
speech.

' there was no manner of occasion for such an address, since by his Majesty's command he had already laid before the house the treaties of which the late sea-fight was a consequence, and in particular the treaty for a defensive alliance between the Emperor and his Majesty, made at *Westminster* the 25th of May, 1716 ; and the treaty of alliance for restoring and settling the public peace, signed at *London* the 22d of July, O. S. After this his Lordship insisted on the justice and equity

‘ of those treaties, which were mainly calculated
‘ to preserve, restore, and settle the peace of *Eu-*
‘ *rope*, by rendering the treaty of *Utrecht* effectua-
‘ al; particularly in preventing the union of the
‘ two great monarchies of *France* and *Spain* under
‘ one sovereign, and in securing the succession of
‘ these kingdoms in his Majesty’s royal family. At
‘ the same time his Lordship endeavoured to shew,
‘ that the court of *Spain* had violated the treaty of
‘ *Utrecht*, and acted against the public faith, in at-
‘ tacking the Emperor’s dominions, while he was
‘ engaged in a war against the enemies of Christen-
‘ dom, and in what manner they had rejected his
‘ Majesty’s friendly offices, and repeated offers of
‘ mediating an accommodation between the Empe-
‘ ror and his Catholic Majesty : To which pur-
‘ pose his Lordship gave the house an account of
‘ his late journey to and negotiations in *Spain*.
‘ He added, that it was high time for *Great-Bri-*
‘ *tain* to check the growth of the naval power of
‘ *Spain*, in order to protect and secure the trade of
‘ the *British* subjects which had been violently op-
‘ pressed by the *Spaniards* ; to which purpose seve-
‘ ral letters were read, concluding, that both with
‘ relation to Sir *George Byng*’s instructions, and in
‘ all other respects, in this whole affair, his Maje-
‘ sty had acted by the advice of his privy-council ;
‘ that he was one of that number, and he thought
‘ it an honour to have advised his Majesty to these
‘ measures, because he was persuaded they entire-
‘ ly agreed with the honour and interest of his
‘ country ; that he doubted not, but, upon the
‘ strictest examination, those measures would be
‘ approved by all true *Englishmen*, and that he
‘ was ready to answer for them with his head.’
Notwithstanding this speech, several Peers urged,
‘ That the making war before the declaring of it,
‘ was a manifest violation of the laws of nations ;
‘ and

‘ and others raised less material objections :’ Yet the question being put upon the Lord *Carteret*’s motion, it was carried in the affirmative by 83 votes against 50. The principal speakers on the court side, were the Lords *Carteret* and *Tenham*, and the Earls of *Sunderland* and *Stanhope* ; and on the other side, the Dukes of *Buckingham*, *Devonshire*, and *Argyle*, the Earls of *Nottingham*, *Cowper*, *Oxford*, and *Ilay*, the Lords *North* and *Grey*, and *Harcourt*.

The Commons being returned to their house, Mr. Speaker reported to them his Majesty’s speech ; after which Mr. Secretary *Craggs*, by his Majesty’s command, presented to the house copies, in *Latin*, of several treaties, with a list of them ; and the titles of the copies of the said treaties were read, and then the Lord *Hinchinbroke* moved, ‘ That an
‘ humble address be presented to his Majesty, re-
‘ turning the thanks of the house for his most gra-
‘ cious speech from the throne, and for the many and
‘ great instances which he has therein given to his
‘ people, of his constant endeavours for their secu-
‘ rity and welfare. That the house has entire satis-
‘ faction in those measures which his Majesty has
‘ already taken for strengthening the protestant suc-
‘ cession, and establishing a lasting tranquillity in
‘ *Europe* ; and particularly in relation to the crown
‘ of *Spain* ; and is resolved to enable his Majesty,
‘ in concurrence with his allies, not only to resent
‘ the injuries that crown has already done to the
‘ commerce of these kingdoms, in breach of the
‘ treaties subsisting between the two nations, but
‘ will likewise support him, in the most vigorous
‘ and effectual manner, in such farther measures as
‘ his Majesty shall judge necessary to compleat the
‘ public tranquillity, and to check the growth of
‘ that naval power, which must otherwise prove
‘ dangerous to the trade of these kingdoms, and to
‘ the repose of *Europe*.’ The Lord *Hinchinbroke*

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‘ to preserve, restore, and settle the peace of *Eu-*
‘ *rope*, by rendering the treaty of *Utrecht* effectue-
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‘ engaged in a war against the enemies of Christen-
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‘ ror and his Catholic Majesty: To which pur-
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‘ *tain* to check the growth of the naval power of
‘ *Spain*, in order to protect and secure the trade of
‘ the *British* subjects which had been violently op-
‘ pressed by the *Spaniards*; to which purpose sever-
‘ al letters were read, concluding, that both with
‘ relation to Sir *George Byng*’s instructions, and in
‘ all other respects, in this whole affair, his Maje-
‘ sty had acted by the advice of his privy-council;
‘ that he was one of that number, and he thought
‘ it an honour to have advised his Majesty to these
‘ measures, because he was persuaded they entire-
‘ ly agreed with the honour and interest of his
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 ‘ humble address be presented to his Majesty, re-
 ‘ turning the thanks of the house for his most gra-
 ‘ cious speech from the throne, and for the many and
 ‘ great instances which he has therein given to his
 ‘ people, of his constant endeavours for their secu-
 ‘ rity and welfare. That the house has entire satis-
 ‘ faction in those measures which his Majesty has
 ‘ already taken for strengthening the protestant suc-
 ‘ cession, and establishing a lasting tranquillity in
 ‘ *Europe* ; and particularly in relation to the crown
 ‘ of *Spain* ; and is resolved to enable his Majesty,
 ‘ in concurrence with his allies, not only to resent
 ‘ the injuries that crown has already done to the
 ‘ commerce of these kingdoms, in breach of the
 ‘ treaties subsisting between the two nations, but
 ‘ will likewise support him, in the most vigorous
 ‘ and effectual manner, in such farther measures as
 ‘ his Majesty shall judge necessary to compleat the
 ‘ public tranquillity, and to check the growth of
 ‘ that naval power, which must otherwise prove
 ‘ dangerous to the trade of these kingdoms, and to
 ‘ the repose of *Europe*.’ The Lord *Hinchinbroke*

Debate in
the house of
Commons
on the mo-
tion for an
address.

was seconded by the Lord *Tyrconnel*; but the motion being opposed by several members, there was a very warm debate, from three 'till eight in the evening. The principal speakers on both sides were as follows, *viz.* for the motion, the Lords *Hinchinbroke* and *Tyrconnel*, Sir *David Dalrymple*, Mr. *Lechmere*, Mr. Secretary *Craggs*, Mr. *John Smith*, Sir *Gilbert Heathcote*, Sir *Gilfred Lawson*, Mr. *Hampden*, Mr. *Aislaby*, Mr. *Boscawen*, Mr. *Bladen*, Serjeant *Mead*. Against part of the motion, Mr. *Freeman*, Mr. *Heysham*, Mr. *Walpole*, Mr. *Snell*, Mr. *Hungerford*, Mr. *Herne*, Sir *Joseph Jekyll*, Mr. *Cowper*, Sir *William Wyndham*, Mr. *Shippen*, the Lord *Molesworth*, General *Ross*.

The opposing party strenuously objected against the words *entire satisfaction in those measures which his Majesty has already taken*. In order therefore to have these words left out of the address to be presented to his Majesty, it was alledged in the first place, ' That it was unparliamentary and unprece-
' dented, on the first day of a session, to enter upon
' particulars; that the business in question being of
' the highest importance, *viz. peace or war*, deserv-
' ed the maturest deliberation; that before they ap-
' proved of the measures that had been taken,
' they ought to examine the treaties, and the rea-
' sons on which those measures were founded,
' which must needs take up some time; and there-
' fore they ought, for the present, according to
' the usual custom, to content themselves with re-
' turning his Majesty their thanks for his most gra-
' cious speech, with general assurances of their
' zeal and affection for his Majesty's person and
' government, and then appoint a day to take the
' said speech into consideration.'

To this it was answered, ' That tho' all appli-
' cations from this house to the throne differed ac-
' cording to the various circumstances of affairs,
' yet there were not wanting precedents to support
the

‘ the expressions excepted against, of which some
 ‘ instances were produced : That the measures that
 ‘ had been taken, were grounded on treaties that
 ‘ had been laid before them, and which might be
 ‘ examined into as soon as the house thought fit ; but
 ‘ that it was necessary, at this critical juncture,
 ‘ when the eyes of all *Europe* were fixed on this
 ‘ Parliament, early to come to a vigorous resolu-
 ‘ tion, which would not fail having its due weight
 ‘ abroad.’

This was warmly opposed by a member, who,
 among other things, urged, ‘ That it was against
 ‘ the common rules of prudence, and the methods
 ‘ of proceeding in that house, to approve a thing
 ‘ before they knew what it was : That he was
 ‘ thoroughly convinced of, and as ready as any
 ‘ person in that assembly, to acknowledge his Ma-
 ‘ jesty’s great care for the general peace of *Europe*,
 ‘ and the interest of *Great-Britain* ; but that the
 ‘ giving sanction, in the manner proposed, to the
 ‘ late measures, could have no other view, than to
 ‘ screen ministers, who were conscious of having
 ‘ done something amiss, and, who having begun a
 ‘ war against *Spain*, would now make it the Par-
 ‘ liament’s war : Concluding, that instead of an
 ‘ entire satisfaction, they ought to shew their entire
 ‘ dissatisfaction with a conduct that was contrary to
 ‘ the laws of nations, and a breach of solemn
 ‘ treaties.’

Then Mr. Secretary *Craggs* gave the house an
 account of the measures which the King and his
 ministers had pursued, for restoring and securing the
 tranquillity of *Europe*, and said, in particular, ‘ That Mr Craggs’s
speech.
 ‘ upon that view a treaty of defensive alliance be-
 ‘ tween his Majesty and the Emperor had been
 ‘ signed in *May* 1716, and by that very gentle-
 ‘ man, then in a high station, who now excepted
 ‘ against these measures : That, at the same time,
 ‘ his Majesty sincerely desired and endeavoured to

‘ maintain a perfect friendship with the King of
‘ *Spain*, and had even proposed a defensive al-
‘ liance to him, before he made one with any other
‘ power : That notwithstanding the engagements
‘ his Majesty was under to guaranty the neutrality
‘ of *Italy*, and to defend the Emperor in posses-
‘ sion of his dominions, which, upon the invasion
‘ of *Sardinia*, might have justified his Majesty’s
‘ assisting his imperial Majesty against *Spain* ; yet
‘ the King chose rather to act as a friendly media-
‘ tor, and, in concert with the regent of *France*,
‘ endeavour to find out means of reconciling the
‘ interests of the Emperor and of the King of *Spain*,
‘ as the only way to put a stop to the war that
‘ threatened *Italy*, and in which all *Europe* might
‘ be involved : That the Catholic King was often
‘ solicited by the *British* ministers at *Madrid*, to
‘ concur with his Majesty’s good intentions, and to
‘ give such instructions to the *Spanish* minister here,
‘ as would put it in his Majesty’s power to stand
‘ up for the interest and advantages of *Spain* in the
‘ ensuing negotiations : That the Catholic King
‘ having declined to concert measures with *Great-*
‘ *Britain*, and demanding, in general, satisfaction
‘ for the breaches he pretended the Emperor had
‘ made upon the treaty of *Utrecht*, a balance of
‘ power in *Europe*, and the security and liberty
‘ of the Princes and states of *Italy* ; all that his
‘ Majesty, with the regent’s assistance, could do,
‘ was to obtain of the Emperor such conditions as
‘ were thought most agreeable to his Catholick
‘ Majesty, to wit, an absolute renunciation to the
‘ monarchy of *Spain* and the *Indies*, and a very
‘ considerable settlement in *Italy* for a Prince of
‘ *Spain*, particularly the great duchy of *Tuscany* :
‘ That as the Emperor’s pretensions to *Sicily* were
‘ the principal reasons of his opposing the treaty of
‘ *Utrecht*, from which he could not afterwards be
‘ brought off by the treaty at *Baden*, it became
‘ necessary

‘ necessary, towards an accommodation, to dispose
‘ of that Island in favour of his imperial Majesty,
‘ of whom, upon that consideration, his Majesty,
‘ and the regent of *France*, obtained the disposition
‘ of *Sardinia* in favour of the King of *Sicily* :
‘ That these were the principal articles of the trea-
‘ ty of alliance, for restoring and settling the pub-
‘ lic peace, commonly called the *quadruple* alli-
‘ ance, which was a long while depending, and
‘ at last signed here, on the 22^d of *July*, 1718 :
‘ That in order to support the views of this treaty,
‘ and to add weight to the endeavours to restore
‘ the tranquillity of *Europe*, his Majesty acquaint-
‘ ed the Commons, toward the end of the last ses-
‘ sion of Parliament, that he intended to employ
‘ a naval force when it should be necessary :
‘ Whereupon this house unanimously resolved to re-
‘ turn his Majesty their thanks, for his unwearied
‘ endeavours to promote the welfare of his king-
‘ doms, and to preserve the tranquillity of *Europe*,
‘ and to assure his Majesty, that they would make
‘ good such exceedings of men for the sea service
‘ of the year 1718, as his Majesty, in his royal
‘ wisdom, should find necessary to obtain those de-
‘ sirable ends : That this unanimous resolution un-
‘ doubtedly implied an entire satisfaction in the
‘ measures his Majesty was, at that time, concert-
‘ ing, for preserving the tranquillity of *Europe* ; and
‘ if an action has since happened, in consequence
‘ of those measures, this cannot, with any justice,
‘ be called the war of the ministers, but rather
‘ the war of the Parliament : That, however, it
‘ was not with design of making war, but only of
‘ restoring peace, that his Majesty sent a strong
‘ squadron into the *Mediterranean* : That, pursuant
‘ to this view, as soon as Sir *George Byng* reached
‘ the coast of *Spain*, he wrote a letter to that King,
‘ desiring him to accept his Majesty’s mediation,
‘ and

‘ and to desist from the hostilities already begun; offer-
‘ ing him his service, either to withdraw his troops,
‘ or even to assist him, in case the Emperor should
‘ not consent to a suspension of arms; which the
‘ Admiral proposed while an accommodation should
‘ be negotiated: That the *Spaniard*, having with
‘ haughtiness rejected his Majesty’s repeated ami-
‘ cable proposals, and not only persisted in the vio-
‘ lation of the public peace, by the invasion of
‘ *Sicily*, but likewise broke through most solemn
‘ treaties, for the security of our trade, it became
‘ necessary for his Majesty’s naval forces to check
‘ these insolent and violent proceedings, as well to
‘ maintain the faith of his Majesty’s engagements,
‘ and prevent the consequences of this war, as to
‘ protect and defend the trade of the *British* sub-
‘ jects, which labours under the heaviest hardships
‘ and difficulties.’ To confirm this last particular,
Mr. *Bladen* produced a list of many merchant ships,
taken or detained by the *Spaniards*. Then several
members on the opposing side, having like Mr.
Walpole, made solemn professions of their duty and
affection to the King, and of their readiness to ac-
knowledge his Majesty’s royal care and constant
endeavours for the security and welfare of his peo-
ple, and the tranquillity of *Europe*; but distinguish-
ing between his Majesty and his ministers, and
shewing an unwillingness to approve the measures
pursued by the latter, ’till the treaties on which
those measures were founded, had been fully and
maturely examined; Mr. *Craggs* readily admitted of
the distinction between the King and his ministers,
adding, ‘ That he observed, with a great deal of
‘ pleasure, how unanimous they were all for the
‘ King, and that he should be extremely sorry if
‘ the ministers should be the occasion of any delay
‘ in the house’s expressing their duty and affection
‘ to his Majesty: That he owned ministers were
‘ not

‘ not infallible ; that he had the honour to be one
 ‘ of his Majesty’s servants, and had gone as great
 ‘ lengths as any in the measures that had been ta-
 ‘ ken : But that he was so positive, that in the course
 ‘ of this whole affair, nothing had been done that
 ‘ was not entirely consistent with the faith of treaties,
 ‘ and the honour and interest of the nation ; that he
 ‘ durst promise, both for himself, and the rest of
 ‘ the Ministers, that if the house came into this
 ‘ vote, which he thought of the highest importance
 ‘ at this critical juncture, no manner of advantage
 ‘ would be taken of it to palliate any faults, which,
 ‘ through human frailty, might have been commit-
 ‘ ted ; and that for his own part he was ready to un-
 ‘ dergo the severest examination, whenever the
 ‘ house should think fit to inquire into the conduct
 ‘ of the ministry :’ Upon the whole matter, the
 question being at last put, upon the Lord *Hinchin-*
broke’s motion, it was carried in the affirmative, by
 216 votes against 155.

The next day the Lord *Carteret* reported to the
 house of Lords their address of thanks and congra-
 tulation, which was approved ; but some Peers en-
 tered their dissent against it. The same day the
 Commons having made the usual orders, the Lord
Hinchinbroke reported the address from the Com-
 mittee of which his Lordship was Chairman, and it
 was unanimously approved.

Nov. 13. The Lords and Commons severally, and
 each in a body, presented their respective addresses to
 his Majesty, who received them both very graciously.
 The Address of the Lords is as follows :

Most gracious Sovereign,

‘ **W**E your Majesty’s most dutiful and loyal
 ‘ subjects, the Lords spiritual and temporal in
 ‘ Parliament assembled, do return your Majesty our
 ‘ humble

Address of
 the Lords,

‘ humble thanks for your most gracious speech from
 ‘ the Throne, and desire to exprefs to your Maje-
 ‘ sty the true fense this house has of your care in
 ‘ preferving the public peace, and the juft balance
 ‘ of power in *Europe*; and of the tender regard
 ‘ which your Majesty has fhewn for the trade of
 ‘ your fubjects. The confiderable reduction of the
 ‘ land-forces, which your Majesty has made at this
 ‘ time, muft fully fatisfy all your fubjects, that you
 ‘ will never defire the continuance of more troops
 ‘ than what are abfolutely neceffary for their fafety.
 ‘ In a moft particular manner we thank your Maje-
 ‘ sty, for having obtained fuch great and farther secu-
 ‘ rities of the fucceffion to thefe kingdoms in your
 ‘ royal family, as will, under the bleffing of God,
 ‘ perpetuate the proteftant fucceffion undifturbed.
 ‘ We moft heartily congratulate your Majesty upon
 ‘ the feafonable fuccefs of your naval forces; and beg
 ‘ leave to affure your Majesty, That this house will,
 ‘ to the utmoft of their power, ftand by and fupport
 ‘ your Majesty in the vigorous purfuit of thofe pru-
 ‘ dent and neceffary meafures your Majesty has ta-
 ‘ ken, to fecure the trade and quiet of thefe king-
 ‘ doms, and the tranquillity of *Europe*.

His Majesty's answer.

My Lords,

The King's
answer.

‘ **I** Thank you for this addrefs, fo full of duty to
 ‘ me and affection to your country. I can't
 ‘ doubt but my endeavours for the happinefs of my
 ‘ people, and the tranquillity of *Europe*, will attain
 ‘ the ends propofed, when the enemies to both fhall
 ‘ fee me fupported therein by this house with fo
 ‘ much warmth and zeal.

The Commons addrefs is as follows.

May it please your Majesty,

Address of
the Com-
mons.

‘ **W**E your Majesty's moft dutiful and loyal
 ‘ fubjects, the Commons of *Great-Britain*,
 ‘ in

‘ in Parliament assembled, do return our most sincere and unfeigned thanks to your sacred Majesty, for your most gracious speech from the Throne, and for the many and great instances which you have been graciously pleased therein to give your people, of your constant endeavours for their security and welfare.

‘ It is with the greatest pleasure that we have this opportunity to assure your Majesty, that we have entire satisfaction in those measures which you have already taken, for strengthening the Protestant succession to the crown of these realms in your own family, and for establishing a lasting tranquillity in *Europe*, and particularly in relation to the crown of *Spain*; and we are resolved on our parts, to the utmost of our power, to enable your Majesty, in concurrence with your Allies, not only to resent the injuries which that crown has already done to the commerce of these kingdoms, in breach of the treaties subsisting between the two nations, but will likewise support your Majesty in the most vigorous and effectual manner, in such farther measures as in your great wisdom you shall judge necessary to compleat the public tranquillity, and to check the growth of that naval power, which must otherwise prove dangerous to the trade of these kingdoms, and the repose of *Europe*.

‘ We should be wanting in our duty to your Majesty, if we did not express, in the most affectionate manner, the great sense we have of that instance of your tender concern for the ease of your people, in the farther reduction which you have made of your land-forces; which must be accepted by all your good subjects, as the strongest proof of your wisdom and goodness.

‘ We crave leave to concur with your sacred Majesty, That regard must always be had to the inviolable preservation of the public credit, for the
‘ quiet

‘ quiet and just security of all those who have trusted
 ‘ to parliamentary engagements.

‘ And do farther assure your Majesty, That we
 ‘ will, by our conduct in this important juncture,
 ‘ give your Majesty, and the whole world, all ima-
 ‘ ginable proofs of our zeal and inviolable duty and
 ‘ affection to your person and government, and of
 ‘ our love to our country.

His Majesty's answer.

Gentlemen,

The King's
 answer.

‘ **I** Am extremely sensible of the duty and affecti-
 ‘ on you express to my person : Your vigour and
 ‘ resolution to support me, will encourage our
 ‘ friends, and, by the blessing of God, enable me
 ‘ to defeat the ill-grounded hopes of our enemies ;
 ‘ as I am persuaded the necessity and usefulness of
 ‘ your proceedings will be approved by the event, I
 ‘ do return you my very hearty thanks for this loyal
 ‘ address.

The same day, the Lords adjourned to the 18th ;
 and Mr. Secretary *Craggs* presented to the Commons
 translations of several treaties of alliance, and ar-
 ticles belonging thereto, the copies of which trea-
 ties and articles, in *Latin*, were presented to the
 house two days before ; and the said translations
 were ordered to lie on the table.

Message
 from his
 Majesty.

Dec. 17. Mr. *Boscawen*, by his Majesty's com-
 mand, acquainted the house, ‘ That all his Maje-
 ‘ sty's endeavours, and those of the Most Christian
 ‘ King, to procure redress of the many injuries done
 ‘ to the subjects of *Great-Britain* by the King of
 ‘ *Spain*, to the unspeakable detriment of the trade
 ‘ of these kingdoms ; or even to obtain a disconti-
 ‘ nuance of the unjust hostilities carrying on by that
 ‘ crown, having proved ineffectual, his Majesty had
 ‘ found

‘ found it necessary to declare war against *Spain*.’ After the reading of this message, *George Treby*, Esq; moved, ‘ That an humble address be presented to his Majesty, to return his Majesty the most unfeigned thanks of the house, for having communicated to them the necessary resolution of declaring war against *Spain*; and to assure his Majesty, That this house will, with the greatest chearfulness and with the utmost vigour, assist and support his Majesty in the war with the King of *Spain*, ’till *Spain* is reduced to accept of reasonable terms of peace, and to agree to such conditions of trade and commerce, as this nation is justly entitled to by their several treaties.’ Mr. *Treby* was seconded by *Thomas Western*, Esq; but Mr. *Shippen*, Mr. *Freeman*, Sir *Thomas Hanmer*, and some other Gentlemen, Debate thereupon, excepted either against the motion, or against some expressions in it, which occasioned a warm debate, that lasted from one ’till six of the clock in the afternoon. Some gentlemen alledging, ‘ That they did not see the necessity of declaring war against *Spain*, and that they rather were inclined to believe, that the grievances complained of by our merchants might have been redressed in an amicable manner:’ This was answered by Mr. Secretary *Craggs*, and by Colonel *Stanhope*, the last of whom told the house, ‘ That he had had the honour to serve his Majesty as his Envoy to the King of *Spain*, and he could assure them, that he had presented at least five and twenty memorials to that court, in relation to the complaints of our merchants, without any success.’ Hereupon Mr. *Methuen* interposed, and accounted for the dilatoriness of the court of *Madrid*, in the dispatch of commercial affairs, occasioned by the different regulations and judicatories in the several kingdoms, provinces, and ports of *Spain*; which might be the reason why the grievances complained of by our traders, had

had not been redressed so soon as might have been expected. It was also suggested, ‘ That the Ministers
‘ had shewn no great concern for the trade and interest of the nation, since it appeared by the answer
‘ from a Secretary of state to the Marquess *de Monteleone*’s letter, that they would have passed by the
‘ violations of the treaties of commerce, provided
‘ *Spain* had accepted the terms of the quadruple alliance ; and that his Majesty did not seek to aggrandize himself by any new acquisition, but was rather inclined to sacrifice something of his own, to procure the general quiet and tranquillity : That
‘ no body could yet tell how far that sacrifice was to extend ; but certainly it was a very uncommon
‘ piece of condescension.’ Mr. *Shippen* went yet farther, and made use of his favourite expression, insinuating, ‘ That this war seemed to be calculated
‘ for another meridian :’ But wrapt up the *innuendo* so dextrously, that no exception was taken at it. Mr. *Horatio Walpole* made also a long speech, wherein he found fault with the treaty of quadruple alliance, particularly as to the disposition of *Sicily*, in favour of the Emperor, which was a breach of the treaty of *Utrecht* ; and his brother *Robert Walpole* Esq; likewise exclaimed against the injustice of attacking the *Spanish* fleet before the declaration of war. They were answered by Mr. Secretary *Craggs*, Mr. Chancellor of the *Dutchy*, Mr. *Aislaby*, Mr. *Brodrick*, and Sir *Joseph Jekyll* ; which last said, among other things, ‘ That some weeks before, when
‘ this affair was first mentioned in the house, he was
‘ shy of giving his opinion, because he had not then
‘ examined the several steps that had been taken in
‘ it ; but that now he was fully convinced, that if
‘ there was any injustice, ’twas on the side of the
‘ King of *Spain* ; and that the conduct of his Majesty and his Ministers was entirely agreeable to
‘ the law of nations and the rules of justice and equity.

‘quity. Was it just, added he, in the King of
 ‘Spain, to attack the Emperor’s dominions (*Sardinia*)
 ‘while he was engaged in a war with the *Turks*,
 ‘without any declaration of war? Was it just in the
 ‘same Prince to invade the dominions of one of our
 ‘Allies, the King of *Sicily*, without the least pro-
 ‘vocation? And was it not just in his Majesty to
 ‘vindicate the faith of his treaties, and to defend and
 ‘protect the trade of his subjects, which had been
 ‘violently oppressed?’ Then the question being put
 upon Mr. *Treby*’s motion, the same was carried in
 the affirmative by a majority of 178 voices against
 107; and resolved, That the said resolution be laid
 before his Majesty, by the whole house; which be-
 ing done accordingly the next day, his Majesty was
 pleased to give this most gracious answer.

Gentlemen,

T HIS seasonable and loyal address, will, I trust The King’s
 answer.
 in God, contribute effectually to what you desire.
 I return you true thanks for it.

Dec. 16. Earl *Stanhope* having communicated to
 the house of Peers the like message, relating to the
 declaration of war, moved for an address of thanks
 to his Majesty thereupon: He was seconded and
 backed by several Lords. A noble Peer only sug-
 gested, ‘That before they gave sanction to a step of
 ‘so nice a nature, and of so great importance, it
 ‘were proper to consider whether the same was con-
 sonant to treaties; and therefore moved, that a
 ‘day might be appointed for that purpose.’ To
 this Earl *Stanhope* answered, ‘That he had five
 ‘weeks before, by his Majesty’s command, laid the
 ‘several treaties relating to this affair before the
 ‘house, so that all the members of that noble as-
 ‘sembly had sufficient time to peruse and examine
 ‘the same: But, however, after the address, which
 ‘he had moved, had been presented, he would rea-
 ‘dily give his vote for appointing a day to consider

of the said treaties. And he durst answer before-hand, that upon the strictest examination it would be found, that his Majesty and his Ministers had done nothing either against the faith of treaties, or the honour and interest of the nation.' Hereupon it was carried without any farther opposition, and without dividing, that an address of thanks be presented to his Majesty ; which address was, accordingly, immediately drawn up, and the same day presented to his Majesty as follows.

Most gracious Sovereign,

Address of
the Lords.

WE your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in Parliament assembled, do return your Majesty our most humble thanks, for having acquainted us with the resolution your Majesty has taken of declaring war against *Spain* : And as this house has already promised your Majesty, that they would stand by and support you in the vigorous pursuit of those prudent and necessary measures your Majesty has taken to secure the trade and quiet of these kingdoms, and the tranquillity of *Europe* ; so, upon this occasion, we beg leave to give your Majesty the strongest assurances of our firm and steady resolution to assist your Majesty with the utmost zeal, in the prosecution of the present war against *Spain*.

To which his Majesty returned this most gracious answer.

My Lords,

The King's
Answer.

I Return you my hearty thanks for this address, and for the assurances you give me of your steady resolution to support and assist me in the prosecution of this war against *Spain*.

Dec.

Dec. 13. After the Lords had read the 3d time and passed the bill, intitled, *An act for quieting and establishing corporations*, the Earl Stanhope stood up and said, ‘ That in his opinion, a thing of far greater importance, and becoming the wisdom of that august assembly, remained to be done, in order to settle the minds, and unite the hearts and affections of the well affected to the present happy establishment ; and that for that purpose he had a bill to offer to the house, intitled, *An act for strengthening the Protestant interest in these kingdoms*, which he desired might be read.’

It being the privilege of every of Peer to bring in such a bill as he thinks proper, without the previous leave of the house, the Lord Stanhope’s bill was read, according to his desire, importing in substance, a repeal of part of the act of the 10th year of her late Majesty’s reign, intitled, *An act for preserving the Protestant religion, by better securing the church of England, and against occasional conformity* ; as also of the act of the 12th of her late Majesty’s reign, to prevent the growth of schism ; and of some clauses in the test and corporation acts.

Most of the Peers were surprized at the bringing in this bill, at a time, when none, but such as were in the secret of the court measures, expected any such thing ; and Earl Stanhope moving, that it might be read a second time, it occasioned a long debate. That Earl endeavoured to shew ‘ the equity, justice, reasonableness, and advantage of restoring dissenters to their natural rights, and of easing them of these stigmatizing and oppressive laws, that had been made against them in turbulent times, and obtained by indirect methods, for no other reason, than because they ever shewed their zealous and firm adherence to the revolution and Protestant succession, urging, that this desirable union of all true Protestants, as it would certainly strengthen the Protestant interest, so would it rather be an advantage

‘ vantage than any prejudice to the church of *Eng-*
 ‘ *land* by law established, which would still be the
 ‘ head of all the Protestant churches, and the Arch-
 ‘ bishop of *Canterbury* become the Patriarch of all
 ‘ the Protestant clergy.’

Debate
thereupon.

He was seconded and backed by the Earls of *Sunderland* and *Stamford*, and some other Lords : But the Dukes of *Buckingham* and *Devonshire*, the Earls of *Nottingham*, *Aylesford*, *Oxford*, *Cowper*, and *Ilay*, the Lord Viscount *Townshend*, and the Lord *North* and *Grey*, either strenuously opposed the bill, or endeavoured to put off the second reading of it to a long day.

It was alledged, in general, ‘ That this bill, if
 ‘ passed into a law, instead of strengthening, would
 ‘ certainly weaken the church of *England*, by pluck-
 ‘ ing off her best feathers, investing her enemies
 ‘ with power, and sharing with them the civil and
 ‘ military employments, of which churchmen only
 ‘ are now in possession.’ A noble Duke, in parti-
 ‘ cular, suggested, ‘ That it was irregular to bring in
 ‘ a bill of so great consequence, without previously
 ‘ acquainting the house :’ But it was readily answer-
 ‘ ed by Earl *Stanhope*, ‘ That his Grace had forgot,
 ‘ that about two years before he brought in himself,
 ‘ in the same manner, a bill of much greater conse-
 ‘ quence,’ meaning the bill for suspending the act
 for triennial Parliaments.

The Earl of *Nottingham* said, among other things,
 ‘ That the church of *England* is certainly the hap-
 ‘ piest church in the world, since even the greatest
 ‘ contradictions contribute to her support : For no-
 ‘ thing could be more contradictory, than a bill
 ‘ which is said to be calculated to strengthen the
 ‘ Protestant interest, and the church of *England* ;
 ‘ and which, at the same time, repeals two acts
 ‘ that were made for her farther security.’ After
 which his Lordship gave his reasons against the re-
 pealing of those laws.

The

The Earl *Cowper* made also a long speech against some parts of the bill brought in by my Lord *Stanhope*; and, among other things, said, ‘ That he had
‘ no manner of prejudice against the dissenters, but
‘ rather a tender regard for them; that, as he had
‘ been bred in, so he had ever communicated with
‘ the church of *England*, which he believed to be
‘ the best Protestant church, and the most agreeable
‘ to the primitive pattern of christianity; but that,
‘ however, if he had happened to be at *Geneva*, he
‘ would not have scrupled to have communicated
‘ with the Protestants there. That he was for giving
‘ the dissenters as much ease, as was consistent with
‘ the safety of the constitution in church and state,
‘ and would readily give his vote for the repealing of
‘ the schism act; but that he could not but oppose
‘ that part of the bill now laid before them, where-
‘ by part of the test and corporation acts were effec-
‘ tually repealed, with relation to dissenters; because
‘ he looked upon those acts as the main bulwark
‘ of our excellent constitution in church and state,
‘ and therefore would have them inviolably pre-
‘ served and untouched.

The Earl of *Illy*, upon this occasion, said, in substance, ‘ Every body knew he was educated in a
‘ different way from the church of *England*: But,
‘ nevertheless, he could not but be against this bill,
‘ because, in his opinion, it broke the *Pacta Con-*
‘ *venta* of the treaty of union, by which the bounds,
‘ both of the church of *England*, and of the church
‘ of *Scotland*, were fixed and settled; and that he
‘ was apprehensive, that if the articles of the union
‘ were broke with respect to one church, it might
‘ afterwards be a precedent to break them with re-
‘ spect to the other.’

The Lord *North* and *Grey* spoke also against the bill, and urged, ‘ That this was an affair of so great
‘ importance, that it ought to be maturely consider-
‘ ed, and debated in a full house;’ and a great ma-

ny members being absent, his Lordship moved,
 ‘ That the second reading might be put off for a
 ‘ month ; and that the Lord Chancellor be ordered
 ‘ to write circular letters to summon all the Lords to
 ‘ attend, upon the severest penalty the house could
 ‘ inflict,’ which, in such cases, is the *Tower*.

The Duke of *Buckingham* was of his Lordship’s
 opinion, as to the putting off the second reading to a
 long day ; but thought it needless to give the Lord
 Chancellor (who had business enough upon his
 hands) the trouble of writing circular letters : And
 therefore his Grace suggested, ‘ That every Lord,
 ‘ then present, might write to his absent friends, to
 ‘ acquaint them with what was depending in the
 ‘ house ; and he was sure such letters would be more
 ‘ acceptable and effectual than a formal summons.’
 The court party being unwilling to let this affair
 cool, by adjourning it so long, the Earl of *Ilay* pro-
 posed, ‘ That the second reading might only be
 ‘ put off till *Thursday* the 18th of *December*,’ which
 was agreed to without dividing.

The bill read
 a second
 time.

Accordingly, upon that day, the bill was read a
 second time, and a motion made for committing it
 to a Committee of the whole house ; but this being
 opposed by the Earl of *Nottingham*, and some other
 Peers, the Earl of *Cholmondely* suggested, ‘ That
 ‘ before they proceeded any farther, in an affair
 ‘ wherein the church was so nearly concerned, he
 ‘ thought it very proper to have, in the first place,
 ‘ the opinion of that venerable bench, pointing to
 ‘ my Lords the Bishops.’

Archbishop
 of *Canterbu-*
ry’s speech.

This being unanimously assented to, the Lord
 Archbishop of *Canterbury* stood up, and declared
 against the bill, for which his Grace gave his rea-
 sons, importing in substance, ‘ That the acts which
 ‘ by this bill were to be repealed, are the main bul-
 ‘ wark and supporters of the established church ;
 ‘ that he had all imaginable tenderness for all the
 ‘ well-meaning conscientious dissenters ; but he could
 ‘ not

‘ not forbear saying, that some amongst them made
 ‘ a wrong use of the favour and indulgence that was
 ‘ shewn them upon the revolution, tho’ they had the
 ‘ least share in that happy event: And therefore it
 ‘ was thought necessary for the legislature to inter-
 ‘ pose, and put a stop to the scandalous practice of
 ‘ occasional conformity, which was condemned by
 ‘ the soberest part of the dissenters themselves. And
 ‘ as to the act against schism, tho’ it may carry a
 ‘ face of severity, yet it seemed needless to make
 ‘ a law to repeal it, since no advantage had been
 ‘ taken of it, against the dissenters, ever since it
 ‘ was made.’

The Archbishop of *York* spoke on the same Archbishop
of *York*'s
speech.
 side, and said, ‘ That the arguments used the other
 ‘ day for this bill, had no more weight with him,
 ‘ than they had with his brother of *Canterbury*. His
 ‘ Grace urged, in particular, the danger of trusting
 ‘ the dissenters, the open and avowed enemies of the
 ‘ church, with power and authority; and endea-
 ‘ voured to account for the acts against occasional
 ‘ conformity and schism, by saying, they were on-
 ‘ ly for self-defence and self-preservation, and not
 ‘ for persecution; adding, that dissenters were never
 ‘ to be gained by indulgence. To that purpose,
 ‘ he quoted a passage out of a treatise, intitled, *A per-
 ‘ suasive to lay conformity*, written by a Prelate, who,
 ‘ ’twas insinuated, had, since the writing of that
 ‘ book, embraced and maintained other principles.
 ‘ His Grace also took this opportunity to clear the
 ‘ clergy of the established church, from the aspersions
 ‘ of disaffection to the present happy settlement, by
 ‘ instancing two Divines, who, during the late un-
 ‘ natural rebellion, had given signal proofs of their
 ‘ loyalty and zeal for his Majesty's person and go-
 ‘ vernment.’

The Bishop of *Bangor*, who spoke next, answered
 the Archbishop of *York*, particularly with relation

Bishop of
Bangor's
speech.

to the passage quoted out of one of his treatises. He said, ' He was so far from having altered his principles, that both before and after he had been promoted to the station he held in the church, he had endeavoured to bring over the dissenters ; but that he ever was of opinion, that gentle means are the most effectual for that purpose. After this he endeavoured to shew at large the unreasonableness and ill policy of imposing religious tests, as a qualification for civil or military employments, which abridges men of their natural rights, deprives the state of the service of many of its best subjects, and exposes the most sacred institutions and ordinances to be abused by prophane and irreligious persons. He also endeavoured to prove, that the occasional and schism acts, were, in effect, persecuting laws ; and that by admitting the principle of self-defence and self-preservation in matters of religion, all the persecutions of the Heathens against the Christians, and even the popish inquisition, may be justified. As to the power of which some clergymen appeared so fond and so jealous, he owned, that the desire of power and riches is natural to all men ; but that he had learned both from reason and the gospel, that this desire must keep within due bounds, and not intrench upon the rights and liberties of our fellow-creatures and countrymen.'

Bishop of
Bristol's
speech.

The Bishop of *Bristol*, who spoke next, on the opposite side, chiefly urged, ' That the late King *William* having recommended to both houses from the Throne, that they would leave room for the admission of all Protestants that were willing and able to serve ; and a clause having thereupon been offered to be inserted in a bill depending in the Lords house, to take away the necessity of receiving the sacrament, to make a man capable of enjoying any office, employment, or place of trust ; the said clause was rejected by a great majority, as

‘ as well as another clause, (offered also to be inserted in the said bill) to prevent the receiving the sacrament of the Lord’s supper upon any other account, than in obedience to the holy institution thereof: Adding, that soon after, the Lords addressed to King *William*, That he would maintain the church of *England* as by law established; all which his Lordship applied to the present case, and so voted against the bill.’

He was answered by the Bishop of *Gloucester*, who, among other things, endeavoured to wipe off the imputation of hypocrisy cast on the dissenters. He was backed by the Bishop of *Lincoln*, who made an historical deduction of the business in question, and artfully commended the zeal of a noble Earl, when Secretary of state, in promoting a comprehension, according to King *William’s* desire. He also took notice, that religion was ever used, by crafty men, as a blind and pretence to carry on political designs; and he remembered in particular, in the late reign, that while our arms were victorious abroad, the church was in danger at home; but no sooner was a stop put to that glorious war, than the church was in a flourishing condition.

The Bishop of *Lincoln* having done speaking, the Earl of *N——m*, who was hinted at by that prelate, and who was the promoter of the occasional bill, and had opposed the bill now in question, thought it proper to justify his conduct; which his Lordship did, by saying, ‘ He was in those days but a young man, and had wanted opportunities to know the dissenters, which he had had since, and found them to be an obstinate sort of people, never to be satisfied:’ After which his Lordship entered upon the merits of the bill, and voted against it.

The Bishop of *London* did the same, and urged, ‘ That in wise governments, all offices and places of trust are in the hands of those of the national church

‘ church, which his Lordship confirmed by what is
‘ practised in *Sweden*.’

Bishop of
Rockester's
speech.

The Bishop of *Rockester* spoke also on the same
side, and said, in substance, ‘ That he was not in
‘ the house at the first reading of this bill ; but that
‘ the last session of Parliament he foresaw from the
‘ bill about an alms-house at *Bristol*, and the bill
‘ for applying part of the fund for the building of
‘ new churches, to the rebuilding of an old one,
‘ (*St. Giles's*) both which he had opposed, that
‘ something of this nature would be attempted.
‘ That he was sorry he had been a prophet, since,
‘ in his opinion, this bill overturned the foundation
‘ of the security of the church. That this bill
‘ even struck at the act of uniformity, which was
‘ confirmed by the act of union, and so was level-
‘ ed against the church of *Scotland*, as well as a-
‘ gainst the church of *England*: For which reason
‘ he hoped those Peers who represented the nobili-
‘ ty of *Scotland*, would be against this bill, parti-
‘ cularly a noble Lord, who was too great an ene-
‘ my to priestcraft to suffer himself to be assembly-
‘ ridden. His Lordship, by way of commina-
‘ tion, concluded, that we live in a changeable
‘ country, and the hardships which the dissenters
‘ bring now upon the church, may one day or
‘ other be severely and with more justice retaliated
‘ upon them.’

Bishop of
Peterboro-
rough's
speech.

Hereupon the Bishop of *Peterborough* spoke stre-
nuously for the bill, and said, in substance, ‘ That
‘ he did not design to reflect on any of his brethren
‘ for speaking against this bill, because he supposed
‘ ed they did it out of a sincere zeal for the church ;
‘ that for his own part, he did not believe this bill
‘ to be against the church, but rather for its advan-
‘ tage and security, and therefore he was for it.
‘ That he observed from history, that the church
‘ was most safe and flourishing, when the clergy
‘ did not affect more power than falls to their
‘ share,

‘ share, and were tender of the rights and liberties
‘ of their fellow subjects ; but that when the clergy
‘ promoted arbitrary measures and persecutions, as
‘ some did in King *Charles* the 1st’s reign, they
‘ first brought scandal and contempt upon the cler-
‘ gy, and, at last, ruin both upon church and state.
‘ There he shewed the abuse of the word *church*,
‘ which, in a true sense, is venerable, and illustrat-
‘ ed the matter by the words *holy*, and *the temple*
‘ of the Lord, which were sacred among the *Jews* ;
‘ but when those words came to be abused so far,
‘ as to countenance rebellion, as in the case of *Da-*
‘ *than*, *Corah*, and *Abiram*, and other wicked
‘ practices, then they rather became words of exe-
‘ cration. That in like manner amongst us, the
‘ words *church*, and the *church’s danger*, had often
‘ been made use of to carry on sinister designs, and
‘ then these words made a mighty noise in the
‘ mouth of silly women and children ; but that in
‘ his opinion the church, which he defined to be a
‘ scriptural institution upon a legal establishment,
‘ was founded upon a rock, and could not be in
‘ danger, as long as we enjoyed the light of the
‘ gospel, and our excellent constitution. After this
‘ he gave his reasons for his being for this bill, and
‘ animadverted upon three things that had been ad-
‘ vanced by other prelates, *viz.* 1st, that the dissen-
‘ ters got more than the church by the revolution,
‘ tho’ they had the least share in it. For his Lord-
‘ ship shewed they only got a toleration, which
‘ they might have had under King *James*, if they
‘ would have complied with his measures ; whereas
‘ the church secured all she now enjoys, which
‘ would have been irrecoverably lost, had not the
‘ revolution happened. 2dly, That the church-
‘ men, and even the clergy, shewed more affec-
‘ tion to the present government than the dissen-
‘ ters, during the late rebellion : To which he an-
‘ swered, that by the laws which by this bill were
‘ to

‘ to be repealed, the dissenters were then under an
 ‘ incapacity to serve the government, which evinced
 ‘ the necessity of this bill ; and as for a clergyman
 ‘ who had given signal proofs of his zeal for the
 ‘ government in the north, that it was well known
 ‘ he was never rewarded for it, but rather disre-
 ‘ garded ever since by his neighbours. 3dly, As to
 ‘ what had been suggested, that all offices and
 ‘ places of trust ought to be in the hands of those
 ‘ of the established church, he said, he hoped they
 ‘ should never draw precedents from *Sweden*. Con-
 ‘ cluding, with returning thanks to the lay-lords,
 ‘ for bearing so long and so patiently with that
 ‘ bench, leaving the issue of this debate to their
 ‘ judgments ; and only taking notice, that as
 ‘ the wisdom of *Solomon* never more eminently ap-
 ‘ peared, than in discovering the true mother of
 ‘ the child, so their Lordships might easily know
 ‘ the reason, why some persons spoke with so much
 ‘ tendernefs for the acts which by this bill were to
 ‘ be repealed.’

The Bishop of *Chester* was of the contrary opi-
 nion, and in particular, excepted against a clause
 in the bill, whereby a punishment or censure was
 to be inflicted on such clergymen, as should refuse
 to administer the sacrament to any that desired to
 receive it, which, he said, was against the canons
 of the church. The spiritual Lords having done
 speaking, the question was called for, and as some
 temporal Lords were going to speak to it, the
 Earl of *Aylesford* moved for adjourning the debate
 ‘till the next day, which, without much opposition,
 was agreed to.

Dec. 19. The Lords resumed the adjourned de-
 bate ; and the Earls of *Aylesford*, *Nottingham*, and
Cowper, the Duke of *Devonshire*, the Lord Vis-
 count *Townshend*, the Lord *Trevor*, the Lord Arch-
 bishop of *Canterbury*, the Lord Bishop of *Rockes-*
ter,

ter, and some others, made speeches against the bill ; that were answered by the Earls of *Sunderland* and *Stanhope*, the Dukes of *Newcastle*, *Kent*, and *Roxborough*, the Lord *Coningsby*, the Bishop of *Norwich*, and some others ; and the question being at last put, whether the bill be committed, it was carried in the affirmative by a majority of 86 votes against 68, *viz.* content 67, proxies 19, in all 86. Not content 50, proxies 18, in all 68.

Dec. 20. The Lords, in a grand Committee, examined and went through the bill, paragraph by paragraph, and the reasons offered by Earl *Cowper*, and some other Peers, had so much weight, that some clauses derogatory to the test and corporation acts were agreed to be left out. Then the question being put, that the bill, thus amended, be reported on the 22^d, it was carried in the affirmative by 55 voices against 33. Accordingly, on that day, the said amendments were reported, agreed to, and the bill ordered to be engrossed ; and on the 23^d it was read the third time, passed, and sent down to the Commons ; after which the Lords adjourned to the 7th of *January*. The bill passed.

Let us now resume the proceedings of the Commons.

Dec. 24. The engrossed bill from the Lords, intitled, *an act for strengthening the protestant interest in these kingdoms*, was brought down to the Commons, who read it the first time, and ordered it to be read a second time, on the 7th of *January*, to which day the house then adjourned, after they had ordered a new writ for the electing a burgeses for the borough of *St. Germans*, in the county of *Cornwal*, in the room of *John Knight*, Esq; who had accepted the office of Secretary for the *Leeward* islands.

*

Jan.

Debate
thereupon in
the house
of Com-
mons.

Jan. 7. The Commons read a second time the ingrossed bill from the Lords, intituled, *an act for strengthening the protestant interest in these kingdoms*: And then so much of the act 12^o *Annæ*, against occasional conformity, as was intended to be repealed by the said bill, was read; as was also the act of 12 *Annæ*, intituled, *an act to prevent the growth of schism, &c.* After which, upon a motion made to commit the said bill, there arose a very warm debate, that lasted from one 'till half an hour past nine in the evening. Mr. *Hampden* spoke first in behalf of the bill, and was seconded by Mr. *Cartwright*: The other principal members who spoke on this occasion were as follows. For the committing of the bill. Mr. *Chetwynd*, Sir *Tho. Palmer*, Mr. *Young*, Mr. *Carter*, Sir *William Thompson*, Mr. *Boscawen*, Mr. *Barrington Skute*, Sir *William Lowther*, Sir *Joseph Jekyll*, Sir *Gilbert Heathcote*, Mr. secretary *Craggs*, Mr. *Leckmere* Chancellor of the Dutchy, the Lord *Castlecomer*. Against the committing of the bill. Mr. *Grahame*, Mr. *Ward*, Mr. *Richard Hopton*, Colonel *Strangeways*, Mr. *Blundel*, Sir *William Wyndham*, Mr. *Jeffreys*, (*Winnington*) Mr. *Shippen*, Mr. *Horatio Walpole*, Sir *Tho. Hanmer*, Mr. *John Smith*, Mr. *Snell*, Mr. *Robert Walpole*, Mr. *Lutwyche*.

Sir *William Thompson* urged against the schism bill, that it deprived parents of their natural right of educating their children as they think proper; to which Mr. *Shippen* answered, 'That it was somewhat strange to see so able a lawyer inconsistent with himself: For when the twelve judges were consulted, in a case relating to a great family, he was of the opinion of ten of them, that children may be taken from their parents, and educated as the good of the nation required.' To this Sir *William* replied, 'That as he never was consulted, so had he never declared his thoughts
' in

‘ in the nice case hinted by that gentleman, and
‘ therefore he could not, with any colour of justice,
‘ be said to have changed his opinion : But that
‘ the member who taxed him with it, and who
‘ thereby declared against the opinion of the ten
‘ judges, if he would be consistent with himself,
‘ must now be for the bill that repeals the schism
‘ act, which restores parents to their natural right.’

Then Mr. *Robert Walpole* made a warm speech, chiefly levelled against a great man in the present administration, which was answered by Mr. Chancellor of the dutchy ; and at length the question being put upon the motion for committing the bill, it was carried in the affirmative by 243 votes against 202, and the bill was committed to a Committee of the whole house the *Friday* next following : To which day the house adjourned. It was observed, that the majority was chiefly owing to the *Scotch* members, for of 37 of them that were in the house, 34 voted for the bill, and three only against it.

Jan. 9. The order of the day being read, for the going into a Committee of the whole house upon the bill from the Lords, for strengthening the protestant interest, &c. the Lord *Guernsey* moved and proposed, that it be an instruction to the said Committee, that they have power to receive a clause, that any person when he comes to take the oath of abjuration and other oaths subsequent to the receiving the sacrament) in order to his qualification, shall acknowledge that the holy scriptures of the old and new testament were given by divine inspiration, and shall acknowledge his firm faith and belief in the ever-blessed trinity ; but the previous question being put, that the question be now put upon the said motion, it passed in the negative, by about ninety voices. Then the house resolved itself into a grand Committee upon the said bill, went through

The bill passed by the Commons.

through the same, Mr. *Hampden* being in the chair, and resolved to pass it without any amendment, by a majority of 221 votes against 170.

Jan. 10. The said bill was read the 3^d time, passed without any amendment, and sent back to the Lords. The same day the Commons proceeded to take into consideration the amendments made by the Lords, to the amendment made by this house to the bill, intitled, *an act for quieting and establishing corporations*; which amendments were read and agreed to, and Sir *Thomas Hanmer* was ordered to carry the bill to the Lords.

Peerage bill.

On the last of *February*, the duke of *Somerset* represented, that the number of Peers being, of late years, very much increased, especially since the union of the two kingdoms, it seemed absolutely necessary to fix the same, both to preserve the dignity of peerage, and to prevent the inconveniencies that may attend the creation of a great number of Peers to serve a present purpose, of which they had a remarkable instance in the late reign: He therefore moved for the bringing in a bill to settle and limit the peerage, in such a manner, ' That
' the number of *English* Peers should not be enlarged beyond six above the present number, which
' upon failure of male issue might be supplied by
' new creations: That instead of the sixteen elective Peers in *Scotland*, twenty five be made hereditary on the part of that kingdom, whose number, upon failure of heirs male, should be supplied by some other *Scotch* Peers.

The Duke of *Argyle* seconded this motion; which was also backed by the Earls of *Sunderland* and *Carlisle*; but the last of these added, that this was a matter of so great importance, that it became the wisdom of that august assembly maturely to consider of it, before they came to any resolution; and thereupon his Lordship moved, for the adjourning

adjourning the debate to the 2^d of *March*, and that the Peers in and about town, might be summoned to attend.

The Earl of *Oxford* excepted against the Duke of *Somerset's* proposal, and, among other things, said, ' That as it tended to take away the brightest gem from the crown, it was matter of wonder to see it supported by those, who, by the great employments they enjoyed, seemed under the strictest obligation to take care of the royal prerogative; that therefore there must be a secret meaning in this motion; that for his own part, tho' he expected nothing from the crown, yet he would never give his vote for lopping off so valuable a branch of the prerogative, because this would put it out of the power of the crown to reward merit and virtuous actions.' To this the Earl of *Sunderland* answered, ' That tho' the number of Peers were limited, yet the crown should still be the fountain of honour, and preserve its prerogative of creating new Peers, upon the extinction of old titles, for want of male issue, which happened frequently, and that those extinctions would give the Prince on the throne sufficient opportunities to bestow honours upon Commanders of distinguished merits and abilities.' His Lordship concluded with backing the Earl of *Carlisle's* motion, and no member opposing it, the debate was adjourned accordingly.

March 2. The Lords being met in a full house, the Earl *Stanhope* delivered to them the following message from his Majesty:

GEORGE R.

HIS Majesty being informed, that the house of Peers have under consideration the state of the peerage of Great-Britain, is graciously pleased to

A message from his Majesty.

VOL. VII. I acquaint

acquaint this house, that he has so much at heart the settling the peerage of the whole kingdom, upon such a foundation, as may secure the freedom and constitution of Parliament in all future ages, that he is willing that his prerogative stand not in the way of so great and necessary a work.

It being thereupon moved to address his Majesty, to return him the thanks of the house for his most gracious message, the Earl of *Nottingham* excepted against it, saying, ‘ It was unusual for the King to
‘ take notice of any thing depending in Parliament,
‘ before the same was laid before his Majesty in
‘ a parliamentary way :’ But the Duke of *Buckingham* opposed this objection, and said, ‘ It could
‘ not be supposed, that the King alone should be
‘ ignorant of what every body else knew ; and
‘ that since his Majesty was pleased, for the good
‘ of his subjects, to suffer his prerogative to be restrained, they ought readily to accept, and thank-
‘ fully acknowledge so great and so gracious a con-
‘ descension.’ Hereupon it was agreed, without dividing, to present an address of thanks to his Majesty ; but some words having passed between two noble Lords about this extraordinary message, the house thought fit to interpose, and require from them, that the whole affair should go no farther ; and the intended debate was adjourned to the next day.

Accordingly on the 3d of *March*, the Lords, in a Committee of the whole house, of which the Earl of *Clarendon* was chosen chairman, took into consideration the present state of the peerage of *Great-Britain* ; and the Earl of *Sunderland*, in a speech that lasted near an hour, run over the several changes that have happened in the peerage since the reign of *Queen Elizabeth* to this time ; urged the necessity of limiting the number of Peers, and proposed

proposed the scheme before-mentioned, with relation both to the *English* and *Scotch* Peers.

The Earl of *Cowper* answered that speech, by another of about the same length, wherein his Lordship chiefly endeavoured to shew, ‘ That what
‘ was intended to be done, with relation to the
‘ *Scotch* peerage, was a manifest violation of the
‘ treaty of union, and the highest piece of injustice ;
‘ for it was no less than to deprive persons of their
‘ right without being heard, and without any pre-
‘ tence of forfeiture on their part ; urging, that
‘ the *Scotch* Peers, who should be excluded from
‘ the number of the twenty five hereditary, would
‘ be in a worse condition than any other subjects,
‘ since they would be neither electing nor elected,
‘ neither representing nor represented ; which could
‘ not fail of raising dangerous discontents amongst
‘ them ; that, besides, it would be a breach of
‘ trust in those who represented the *Scotch* peerage,
‘ wholly to divest their principals of a power with
‘ which they had intrusted them only for a few
‘ years ; and therefore his Lordship was of opinion,
‘ that the *Scotch* Peers ought to have been consulted,
‘ before any steps were made in so nice and so impor-
‘ tant an affair.’

These objections were replied to by the Earls of *Sunderland*, and *Stanhope*, *Cowper*, and *Poulet*, the Dukes of *Buckingham* and *Newcastle*, the Bishop of *Gloucester*, and some other *English* Lords, who were supported by several *Scotch* Peers, particularly the Dukes of *Roxborough* and *Montrose*, the Marquess of *Anandale*, and the Earl of *Illy*. In the first place, it was alledged, ‘ That the settling the
‘ peerage in the manner proposed, was rather a
‘ benefit than a disadvantage to the *Scotch* peerage,
‘ whose representatives were thereby increased by
‘ nine, and all made hereditary ; and as for those
‘ Peers who for the present would be excluded,
‘ they would afterwards have a chance to come in,

‘ upon failure of any of the twenty-five. That
 ‘ this regulation could not be looked upon as a
 ‘ violation of the union ; two things only being
 ‘ made unalterable fundamentals of that contract,
 ‘ viz. religion and the proportion of public taxes ;
 ‘ (to prove which, several articles of the act of union
 ‘ were read) and that the consulting of the *Scotch*
 ‘ Peers in this affair, would be altogether improper
 ‘ and unparliamentary, and attended with great in-
 ‘ conveniencies.’

The Earl of *Ilay*, in particular, represented,
 ‘ That the bringing in a number of Peers into that
 ‘ house by election, was certainly derogatory to
 ‘ the dignity of that august assembly, and of the
 ‘ highest tribunal in the united kingdom ; and
 ‘ therefore he had long before wished to see this
 ‘ defect in the union rectified, and the *Scotch* Peers
 ‘ freed from that ignominious mark of distinction,
 ‘ which made them be looked upon as dependant on
 ‘ the court and ministry, and not at liberty to vote,
 ‘ like the other members, for the good and interest
 ‘ of their country.’

The Earl of *Nottingham*, the Lord Viscount
Townshend, and some other Peers, declared, that
 they were not against the settling and limiting the
 peerage, but only against the doing it in such a
 manner, which, in their opinion, was unjust, and
 might be attended with dangerous consequences ;
 but after a debate that lasted till near seven of the
 clock in the evening, by a majority of 83 votes
 against 30, their Lordships came to the following
 resolutions, viz.

Resolutions
 of the Lords
 in relation to
 the peerage.

I. That in lieu of the sixteen elective Peers, to sit
 in this house on the part of *Scotland*, twenty-five
 Peers to be declared by his Majesty, shall have here-
 ditary seats in Parliament, and be the Peers on the
 part of the peerage of *Scotland*.

II. That

II. That such twenty-five Peers shall be declared by his Majesty, before the next session of Parliament.

III. That nine of the said twenty-five shall be appointed by his Majesty to have immediate right to such hereditary seat in Parliament, subject to the qualifications requisite by the laws now in being.

IV. That none of the remaining sixteen so to be declared by his Majesty, or their heirs, shall become sitting Peers of the Parliament of *Great-Britain*, till after the determination of this present Parliament, except such as are of the number of the sixteen Peers now sitting in Parliament on the part of *Scotland*, and their heirs.

V. That if any of the twenty-five Peers, so to be declared by his Majesty, and their heirs, shall fail, some one or other of the Peers of *Scotland* shall be appointed by his Majesty, his heirs and successors, to succeed to every such Peer so failing; and every Peer so appointed shall be one of the Peers on the part of the peerage of *Scotland*, in the Parliament of *Great-Britain*, and so, *toties quoties*, as often as any such failure shall happen.

VI. That the hereditary right of sitting in Parliament, which shall accrue to the twenty-five Peers of *Scotland*, to be declared by his Majesty, shall be so limited as not to descend to females.

March 4. The Lords, in a grand Committee, took into farther consideration the present state of the peerage of *Great-Britain*, and, without dividing, came to the following resolutions in relation to the *English* Peers, *viz.*

I. That the number of Peers of *Great-Britain*, on the part of *England*, shall not be enlarged, without precedent right, beyond six above what they are at present; but as any of the said present Peers, or such six new Peers, in case they be created, shall fail, their number may be supplied by new creations of Commoners, natural-born subjects of

this kingdom ; and so, *toties quoties*, as often as such failure shall happen.

II. That no person be any time hereafter created a Peer by writ, nor any peerage granted by patent, for any longer estate than for the grantee, and the heirs male of his body.

III. That there be not any restraint on the crown, to create any of the Princes of the blood Peers of *Great-Britain*, with right to sit in Parliament.

IV. That whenever any of the Lords now sitting in Parliament, whose sons have been called by writ, shall die, then it shall be lawful for his Majesty, his heirs and successors, to create a Peer to supply the number so lessened.

V. That every creation of a Peer hereafter to be made, contrary to these resolutions, shall be null and void to all intents and purposes.

On the *5th* of *March*, the Earl of *Clarendon* reported these five, and the six former resolutions to the house, which being agreed to, the Judges were ordered to bring in a bill thereupon ; which they did accordingly on *Saturday* the *14th* of *March*, when the said bill was read the first, and ordered to be read a second time.

March 16. The Lords having read this bill the second time, three *Scotch* Lords petitioned to be heard by their counsel against the said bill ; but it being represented by some *English* Peers, that the Lords being sole judges of what relates to the peerage, they could not allow their rights and privileges to be questioned and canvassed by lawyers ; and having to that purpose cited a precedent, *viz.* the case of the late Duke *Hamilton*, when he claimed a seat in that house as Duke of *Brandon*, the said petition of the three *Scotch* Lords was rejected without dividing. *March* 18, the Lords, in a grand Committee, took the said bill again into consideration, but adjourned it to a farther day, as shall be taken notice of hereafter.

About

About the beginning of *March*, there was published and delivered to most of the Peers, the following *list*, viz.

A LIST of the Peers existing at the time of King *James* the first his accession to the crown, and of those who have since been advanced to the Peerage by claim of ancient right, by writ, or by patent; as also of the several Peers extinct in his and the succeeding reigns.

N. B. *Those printed in capitals, are the present Peers, and those with this mark (+) are Roman catholics.*

LIST of Peers as it stood at King *James* the first his accession to the crown, the twenty-fourth of *March*, 1602-3.

MARQUIS.	Bath.
Winchester, DUKE	Southampton.
of BOLTON.	Bedford, D. of BED-
	FORD.
EARLS.	PEMBROKE.
Oxford.	Hertford, D. of SOM-
Northumberland.	MERSET.
SHREWSBURY (+).	LINCOLN.
Kent, Duke of KENT.	
DERBY.	VISCOUNTS.
Worcester, D. of BEAU-	
FORT.	MONTACUTE (+)
Rutland, D. of RUT-	Bindon.
LAND.	
Cumberland.	BARONS.
Suffex.	AUDLEY, E. of
HUNTINGDON.	Castle-haven. (+)
	Willoughby

Willoughby of Eresby,
D. of ANCASTER.
DELAWAR.

Berkeley, E. of BERKE-
LEY.

Stafford.

Morley.

Darcey.

DUDLEY.

Zouche.

Scroop, E. of *Sunderland*.

Grey of Wilton (*attainted*)

Lumley.

STOURTON. (+)

Ogle.

Mountjoy, E. of *Devon-*
shire.

Cobham (*attainted*)

Monteagle (*merged in*
Morley).

Sandys.

Vaux.

Windfor, E. of PLY-
MOUTH.

Wentworth, E. of *Cleve-*
land.

Mordaunt, E. of PE-
TERBOROUGH.

Cromwell.

Eure.

Wharton, D. of WHAR-
TON.

Sheffield, D. of BUCK-
INGHAMSHIRE.

Rich. E. of WAR-
WICK.

WILLOUGHBY of
PARHAM.

Paget, Earl of UX-
BRIDGE.

Darcey of Chiche, Earl
RIVERS (+).

Howard of EFFING-
HAM, (*then Earl of*
Nottingham).

NORTH and GREY.

Chandois, E. of CAR-
NARVAN.

HUNSDON.

St. JOHN of BLETSO,
(*afterwards E. Boling-*
broke).

Buckhurst, E. of DOR-
SET.

Burleigh, E. of EXE-
TER.

Compton, E. of NOR-
THAMPTON.

Norris, E. of Berkshire.

Waldon, E. of SUF-
FOLK.

Created,

7.I.
Anno Regni.

Created, &c.

Extinct.

King JAMES I.

E. of Arundel *restored*,
and placed as first Earl,
D. of NORFOLK (+).Baron Grey of Wilton.
B. Cobham.
B. Ogle.Viscount HEREFORD
restored, and placed as
*first Viscount.*SAY and SEALE, *claim*
allowed, and placed af-
*ter Vis. Montacute.*Bar. ABERGAVEN-
NY, *claim allowed, and*
*placed as first Baron.*Cecil, E. of SALISBU-
RY.Sidney, E. of LEICES-
TER.Knolles, E. of Banbury.
Wooton.Thornough (*merged in*
Bedford).Grey of Groby, Earl of
STAMFORD.PETRE (+).
Harrington.

Danvers, E. of Danby.

Gerard Bromley.

Spencer, E. of SUN-
DERLAND.Ellesmere, Earl of
BRIDGEWATER.Marnhill, E. of Nor-
thampton.2 Hume, E. (*Dunbar in* B. Lumley.
Scotland).

3 Stanhope, of Harrington. B. Zouche.

ARUNDEL

7.I.	Created, &c.	Extinct.
	ARUNDEL of WAR- DOUR (+). Cavendish, D. of DE- VONSHIRE. Denny, E. of <i>Norwich</i> . Carew of Clopton, E. of <i>Totness</i> . Earl Montgomery (<i>mer- ged in Pembroke</i>)	Earl of Devon.
5	Baron Knivet, of Elscrick.	
6	Clifton.	B. Hume.
9	Earl of Somerset (<i>at- tainted</i>).	B. Harrington.
11	Baron Settrington, D. of <i>Richmond</i> .	
12	Baron Dacres, of Herst- monceaux, E. of <i>Sus- sex</i> , claim allowed, and placed next Lord Mor- ley.	
13	Hay, of Sawley, E. of <i>Carlisle</i> .	E. of Northampton.
	DORMER of WENGE (+). Waddon, D. of <i>Buck- ingham</i> .	
14	Haughton, D. of <i>New- castle</i> .	E. of Somerset.
	TENHAM. Stanhope, of Shelford, E. of <i>Chesterfield</i> . Noel, E. of GAINS- BOROUGH.	
16	Digby, E. of <i>Bristol</i> . Verulam, V. St. <i>Albans</i> .	B. of Monteagle. B. Clifton.

71.	Created, &c.	Extinct.
17	Eaversdale, E. of <i>Camb.</i> (<i>M. Hamilton in Scotland</i>). Leighton, D. of Richmond, Viscount Purbeck.	Viscount Bindon.
18	Baron Newenham, E. of <i>Denbigh</i> . Kingston, E. of <i>Holder-</i> <i>ness</i> . Ogle, D. of <i>Newcastle</i> . Montague, E. of MAN- CHESTER. BROOKE. Hicks, V. <i>Cambden</i> .	
19	Mont. of Boughton, D. of <i>Montague</i> . Howard, of Charlton, E. of BERKSHIRE. Lepington, E. of <i>Mon-</i> <i>mouth</i> . Cranfield, E. of <i>Middlesex</i> . Viscount Faulkland.	Earl of Berkshire.
20	Baron Kensington, E. Holland (<i>merged in</i> <i>Warwick</i>).	B. Knivet of Escrick.
21	Eastwel, E. of WIN- CHELSEA. Grey of Werk, E. of <i>Tankerville</i> . Daventree, E. of <i>Anglesea</i> .	
22	Somerhill, E. of St. <i>Al-</i> <i>bans</i> . Deincourt, E. of SCARS- DALE. Fane, E. of WEST- MORLAND.	Earl of Holderness. D. of Richmond.

7.I.	Created, &c.	Extinct.
	Ley, E. of <i>Marlborough</i> . Roberts, E. of RAD- NOR. Earl of Conway.	
C.I.	King CHARLES I.	
1	B Aron St. John Tre- gose. Carleton, V. Dorchester. Tufton, E. of THA- NET.	Viscount St. Albans.
3	Craven, E. of <i>Craven</i> . Cecil, E. of <i>Wimbleton</i> . Montjoy, E. of <i>Newport</i> . Faulconberg, V. FAUL- CONBERG (+). LOVELACE. Poulet, E. of POULET. Harvey of Kidbrook. Brudinel, E. of CAR- DIGAN. Pierrepont, D. of KINGSTON.	B. Thornaugh.
4	Vis. Bayning of Sudbury. Baron MAYNARD. Coventry, E. of CO- VENTRY. Howard of Escrick. Weston, E. of <i>Portland</i> . Goring, E. of <i>Norwich</i> . Mohun. Savile, E. of <i>Sussex</i> . Wentworth, E. of <i>Stras-</i> <i>ford</i> . Dunsmore, E. of <i>Chi-</i> <i>chester</i> .	E. of Totness.

C.I.	Created, &c.	Extinct.
	Boteler, of Bramsfield.	V. Campden.
5	Powys, <i>Marquis of Powys</i> (<i>outlawed</i>).	B. Wooton.
	Baron Herbert of Cher- bury.	E. of Montgomery.
7	Cottington.	B. St. John of Tregose.
		E. of Sunderland.
		Visc. Dorchester.
		E. of Banbury.
16	Littleton.	B. Darcy.
	Fordwich.	Vis. Wimbeldon.
	Trowbridge (<i>merged in</i> <i>Somerset</i>).	Vis. Sudbury.
	Viscount Strafford.	B. Stafford.
		E. of Norwich.
17	Baron Bruce, E. of AYLESBURY.	E. of Suffex.
	Capel, E. of ESSEX.	B. Harvey of Kid- brook.
	Darcy, E. of HOL- DERNESS, (<i>claim</i> <i>allowed and placed next</i> <i>Lord Dacres.</i>)	
18	Newport, E. of BRAD- FORD.	
	Craven of Ryton.	
19	Wilmot, E. of Rochester.	
	LEIGH.	
	Hatton, V. HATTON.	E. of Cumberland.
	Hopton.	Visc. Faulkland.
	Loughborough.	E. of Danby.
	Jermyn, E. of St. Albans.	
	BYRON.	
	Vaughan, (<i>E. of Carbery</i> <i>in Ireland</i>).	
	Carrington.	
	Widdrington (<i>attainted</i>).	
	Duke of Cumberland, (<i>Prince Rupert.</i>)	

C.I.	Created, &c.	Extinct.
	Baron Ward, (<i>merged in Dudley</i>).	
	Earl of Brainford, (<i>E. of Forth in Scotland</i>).	
20	Baron COLEPEPER. Aftly. Clifford, E. of BURLINGTON. Lucas. Bellasyfe. Rockingham, E. of ROCKINGHAM. Cobham. Cholmondley of Wichmalbank.	B. Littleton.
21	Gerard Brandon, E. of Macclesfield. LEXINGTON. Newbury, E. of Litchfield, (<i>merged in Richmond</i>).	
C. II.	King CHARLES II.	
2	B Aron Wooton.	B. Craven of Ryton. B. Cobham. E. of Cambridge, (M. Hamilton). B. Cottingham. E. of Brainford. B. Hopton. E. of Chichester. E. of Bath. Visc. Purbeck.
10	LANGDALE (+). Crofts.	

C. II.

Created, &c.

Extinct.

	Created, &c.	Extinct.
	BERKLEY of STRATTON.	
11	Duke of York. Duke of Gloucester. Baron Mordaunt, <i>E. of Monmouth</i> , (<i>merged in Peterborough</i>). Potheridge, D. of <i>Albemarle</i> .	E. of St. Albans. B. Cholmondley of Wichmalbank.
12	Butler, D. of <i>Ormond</i> , (<i>attainted</i>). Hyde, E. of CLARENDON. Montague, E. of SANDWICH.	E. of Carlisle. E. of Litchfield. E. of Anglesey. B. Fordwich. D. of Gloucester.
13	Annesley, E. of ANGLESEY. Granville, E. of <i>Bath</i> . Holles of Ifield. CORNWALLIS. Delamere, E. of WAR- RINGTON. Townshend, Viscount TOWNSHEND. Ashley, E. of SHAFTS- BURY. CREW. Dacres of Gillefland, E. of CARLISLE.	B. Vaux. E. of Monmouth.
15	Tindale, D. of <i>Monmouth</i> (<i>attainted</i>).	
16	Baron Arlington, E. of <i>Arlington</i> . Frecheville. Botetort, E. of <i>Falmouth</i> .	

ARUNDEL.

C. II.	Created, &c.	Extinct.
	ARUNDEL of TRE-RICE.	E. of Falmouth. B. of Loughborough.
18	Butler of Moor-Park.	E. of Southampton. E. of Cleveland.
19	Savile, <i>M. of Hallifax.</i>	B. Boteler, of Bromsfield.
21	Howard of Castlerising, <i>E. Norw. M. in Norf.</i>	
22	FITZWALTER, <i>claim allowed (and placed next Lord Darcy.)</i>	E. of Northumberland.
	Nonfuch, D. of CLEVELAND.	
24	Sudbury, D. of GRAFTON.	E. of Suffex. D. of Richmond.
	CLIFFORD of CHUDLEIGH(+).	E. of Norwich.
	Duras of Holdenby, <i>(merged in Feversham).</i>	
	Butler of Weston.	
25	Osborn, D. of LEEDS.	E. of Holland,
	<i>Grey (merged in North).</i>	
	Paston, E. of YARMOUTH.	
26	Daventry, E. of NOTTINGHAM.	
	Spelbury, E. of LITCHFIELD.	E. of Middlesex.
	Peterham, E. of Guilford, <i>(D. of Lauderdale).</i>	
	Pontefract, D. of Northumberland.	
27	Dartmouth, E. of Plymouth.	B. Towbridge.
		Settrington,

C. II.

Created, &c.

Extinct.

	Settrington, D. of RICHMOND.	
	Cranfield, E. <i>Middlesex</i> , (merged in Dorset).	
	Norris of Ricot, E. of ABINGDON, allowed by descent from Earl Berks, and placed ac- cordingly.	
28	Heddington, D. of St. ALBANS.	B. Stanhope of Har- rington.
29	Throwley, E. of Fever- sham.	
	Ferrers, E. FERRERS, claim allowed, and placed next Lord Mor- ley.	B. Grey. B. Crofts.
	Mowbray, (merged in D. of Norfolk).	E. of Norwich. E. of Middlesex. B. Duras.
31	Grey of Ruthen, E. of	E. of Newport.
32	SUSSEX, claim al- lowed, and placed next Lord Fitzwalter.	B. Manners.
	Manners, (merged in E. Rutland).	E. Marlborough. V. Stafford.
	Deyncourt, (merged in E. of Scarsdale).	
33	Conyers, (merged in E. Holderness).	
	Noel, (merged in E. Gainsborough).	E. of Plymouth. B. Mowbray.
	Wootton Bassett, E. of ROCHESTER.	B. Deyncourt. E. of Rochester.
	Lumley, E. of SCAR- BOROUGH.	B. Fretchville.

C. II.	Created, &c.	Extinct.
34	CARTERET. Offulston, E. of TAN- KERVILLE. Dartmouth, E. of DARTMOUTH. Alington. Thynne, V. WEY- MOUTH.	E. of Guilford. D. Cumberland, (Pr. Rupert.) B. Noel (merged). E. of Conway. B. Sandys. B. Butler of Moor Park.
35	STAWELL.	B. Wootton.
36	GUILFORD. Godolphin, E. of GO- DOLPHIN.	D. of York, came to the crown.

7 II. King JAMES II.

I	B Aron Dover. Churchill, D. of MARLBOROUGH.	D. of Monmouth. E. of Arlington.
	Jefferyies. WALDEGRAVE (+). Tindal, <i>E. of Derwent-</i> <i>water, (attainted).</i>	B. Butler of Weston, B. Cromwel. E. of Portland.
3	Bosworth, D. of <i>Ber-</i> <i>wick, (outlawed).</i> E. of STAFFORD (+).	D. of Buckingham. D. of Albemarle.
4	Griffin (<i>outlawed</i>).	B. Aftly.

W. & M. King WILLIAM and Queen MARY.

I	B Aron Oking, D. of Cumberland, (<i>Prince</i> <i>George of Denmark</i>). Cirencester, D. of PORTLAND.	B. Bellasyfe. Conyers.
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W.	Created, &c.	Extinct.
&		
M.	Milton, E. of Rumney.	
	Cholmondeley, E. of	
	CHOLMONDELEY.	
	Teyes, D. of SCHOM-	
	BERG.	
	Herbert, E. of Torrington	
	ASHBURNHAM.	
2	Willoughby of Eresby,	
	<i>(merged in Linsey.)</i>	
	Berkeley, <i>(merged in E.</i>	
	<i>Berkeley.)</i>	
	Sidney, <i>(merged in E.</i>	
	<i>of Leicester.)</i>	
	Granville, <i>(merged in E.</i>	
	<i>of Bath.)</i>	
	Osborn, <i>(merged in D.</i>	
	<i>of Leeds.)</i>	
	Clifford, <i>(merged in E.</i>	
	<i>of Burlington.)</i>	
3	Villiers, E. of JERSEY.	B. Herbert of Cherbu-
4	Capel.	ry.
	LEMPSTER.	D. of Newcastle.
	WESTON, <i>(E. of Ar-</i>	B. Alington.
	<i>ran in Ireland.)</i>	E. of Strafford.
5	Raby, E. of STRAF-	
	FORD, <i>(by descent from</i>	B. Holles.
	<i>E. Strafford, and placed</i>	
	<i>next Lord Mobun.)</i>	
7	HERBERT of	D. of Berwick.
	CHERBURY.	E. Craven.
	WILLOUGHBY of	
	BROOK, <i>claim al-</i>	
	<i>lowed, and placed next</i>	
	<i>Lord Stourton.</i>	
	CRAVEN, <i>by descent</i>	
	<i>from E. of Craven, and</i>	
	<i>placed before Lord</i>	
	<i>Clifford of Chudleigh.</i>	

W. & M.	Created, &c.	Extinct.
8	HAVERSHAM.	B. Clifford. B. Morley. E. of Monmouth.
9	Baron Enfield, E. of ROCHFORD. Ashford, E. of ALBE- MARLE. Lowther, V. LONS- DALE. Ruffel, E. of ORFORD. Sommers.	B. Capel. E. of Bristol.
10	BARNARD.	B. Ward. B. Sidney. B. Berkeley. M. of Hallifax. B. Willoughby of Eres- by.
12	Alford, E. of GRAN- THAM. Hallifax, E. of HAL- LIFAX.	E. of Macclesfield. B. Granville.
Q. A.	Queen ANNE. B Aron Granville. Guernsey, E. of AYLESFORD. GOWER. CONWAY. Harvey, E. of BRIS- TOL. 3 Berkeley, (<i>merged in E. of</i> <i>Berkeley.</i>) 4 Chatham, (<i>D. of Argyle</i> <i>in Scotland</i>) E. of GREENWICH.	M. Powys. B. Jeffereyes. E. of Oxford. B. Dover. B. Griffin. E. of Rumney. B. Carrington. B. Lucas.

	Created, &c.	Extinct.
	Duke of Cambridge, PRINCE of WALES.	B. Grey, of Werk.
	Cowper, E. COWPER.	B. Eure.
	Pelham, D. of NEW- CASTLE.	B. Jermyn and Dover.
	Chesterford, E. of Bindon (merged in E. Suffolk.)	D. Cambr. (Pr. Geo. of Denmark.)
10	Harley, E. of OXFORD.	B. Granville.
	COMPTON, will merge in E. Northampton.	B. Gerard Bromley.
	Clifton, claim allowed, and placed next L. Dormer.	E. of Feverham.
	BRUCE, will merge in E. Aylesbury.	
	HARCOURT.	
	BOYLE, (E. Orrery in Ireland.)	
	Hay, (Lord Duplin in Scotland.)	
	MOUNTJOY, (V. Windsor in Ireland.)	
	Burton, (merged in Ux- bridge.)	
	MANSEL.	
	MIDDLETON.	
	MASSAM.	
11	BATHURST.	E. Bindon.
	St. John, V. Bollinbroke, (attainted.)	B. Berkeley.
	OSBORN, will merge in D. of Leeds.	D. of Newcastle.
	BINGLEY.	E. of Bath.
12	FOLEY.	B. Mohun.
		B. Vaughan.
		B. Osborn.
		B. Clifton.
		B. Burton.

Created, &c.

Extinct.

Geo.

King GEORGE.

V. TADCASTER, E. of Suffex.
*(E. Thomond in Ire-
 land.)*

Baron Sanderfon, V. B. Escrick.

CASTLETON.

Baron Harborough, V.

SHERARD.

Pierrepoint.

CARLETON.

Cobham, V. **COBHAM.**

WILLOUGHBY of
ERESBY, *(will merge
 in D. of Ancafter.)*

LUMLEY, *(will merge
 in E. of Scarborough.)*

PARKER.

2 **CONINGSBY.**

ONSLOW.

TORRINGTON.

Cadogan, E. of **CADO-
 GAN.**

ROMNEY.

NEWBURGH.

Battersea, V. St. **JOHN.**

DUKE of **YORK.**

3 Baron Stanhope, Earl of
STANHOPE.

4 St. **JOHN** of **BASING,**
*(will merge in D. of
 Bolton.)*

5 **LUCAS** of **CRUD-
 WELL,** *(will merge in
 D. of Kent.)*

D. of Ormond.

Vis. Bolingbroke.

B. Pierrepoint.

E. of Derwentwater.

B. Widdrington.

E. of Torrington.

B. Somers.

D. of Northumber-
 land.

King J A M E S the first found the

Peerage	59		
Created, &c.	62	Extinct 17	Added 45
K. CHARLES I.	59	21	38
K. CHARLES II.	64	53	11
K. JAMES II.	8	8	0
K. WILLIAM and Q. MARY }	30	21	9
Q. ANNE.	30	24	6
K. GEORGE.	20	10	10
	332	154	119
Deduct Ext.	154		
Remains	178		

The present list in 1719.

The PRINCE and the DUKE	—	—	2
DUKES	—	—	22
EARLS	—	—	73
VISCOUNTS	—	—	13
BARONS	—	—	68
			178
ARCHBISHOPS and BISHOPS	—	—	26
PEERS on the part of SCOTLAND	—	—	16
			220

A LIST, shewing the alterations that have been made in the house of Commons from the beginning of the reign of King Henry VIII. to the end of that of King James I. with some observations, as follows :

A LIST of counties and boroughs which returned members to Parliament, at the time of the accession of King Henry the eighth to the crown.

B <i>Edfordshire</i>	Plympton
Bedford	Tavistock
<i>Berkshire</i>	Clifton, Dartmouth,
New Windsor	Hardness
Reading	<i>Dorsetshire</i>
Wallingford	Pool
<i>Bucks</i>	Dorchester
Chipping Wicomb	Lyme-Regis
<i>Cambridgeshire</i>	Weymouth
Cambridge Town	Melcomb-Regis
<i>Cornwall</i>	Bridport
Dunhivid, <i>alias</i> Launceston	Shafton, <i>alias</i> Shaftsbury
Leskard	Wareham
Lestwithiel	<i>Essex</i>
Truro	Colchester
Bodmin	Malden
Helston	<i>Gloucestershire</i>
<i>Cumberland</i>	Gloucester City
Carlisle-City	<i>Herefordshire</i>
<i>Derbyshire</i>	Hereford City
Derby	Lempster
<i>Devonshire</i>	<i>Hertfordshire</i>
Exeter City	<i>Huntingdonshire</i>
Totness	Huntingdon
Plymouth	<i>Kent</i>
Barnstaple	Canterbury City
	Rocheſter

Rochester City	Staffordshire
Lancashire	Stafford
Leicestershire	Newcastle under Line
Leicester	Suffolk
Lincolnshire	Ipswich
Lincoln City	Dunwich
Great Grimsby	Surry
Stamford	Southwark
Grantham	Blechingly
Middlesex	Ryegate
City of London	Guilford
Norfolk	Gatton
Norwich City	Sussex
Lynn-Regis	Chichester City
Great Yarmouth	Horsham
Northamptonshire	Midhurst
Northampton	Lewes
Northumberland	New Shoreham
Newcastle upon Tyne	Bramber
Nottinghamshire	Steyning
Nottingham	East Grinstead
Oxon	Arundel
Oxon City	Warwickshire
Rutlandshire	Coventry City
Salop	Warwick
Salop Town	Westmorland
Bruges, alias Bridgnorth	Apulby
Ludlow	Wiltshire
Great Wenlock	City of New Sarum
Somersetshire	Wilton
Bristol City	Downeton
Bath City	Hindon
Wells City	Heitesbury
Taunton	Westbury
Bridgwater	Calne
Southampton	Devizes
Winchester City	Chippenham
Southampton Town	Malmesbury
Portsmouth	Cricklade

*

Great

Great Bedwin
 Lurgeshall
 Old Sarum
 Wootton Bassett
 Marlborough
Worcestershire
 Worcester City
Yorkshire
 York City
 Kingston upon Hull

Scarborough
 (Cinque Ports)
 Port of Hastings
 Port of Dover
 Port of Sandwich
 Port of Hyth
 Port of New Romney
 Town of Rye
 Town of Winchelsea.

A LIST of counties and boroughs to whom the privilege of sending representatives to Parliament was granted or restored by,

King Henry VIII.

B Uckingham Town
Cheshire
 Chester City
Monmouth
 Monmouth Town
 Berwick upon Tweed
 Orford
Anglesey
 Beaumorris
Brecon
 Town of Brecon
Cardigan
 Town of Cardigan
Carmarthen
 Town of Carmarthen
Carnarvan
 Town of Carnarvan
Denbigh
 Town of Denbigh
Flint
 Town of Flint

Glamorgan
 Town of Cardiffe
Merioneth
Montgomery
 Town of Montgomery
Pembroke
 Town of Pembroke
 Town of Haverford West
Radnor
 Town of New Radnor
 Calais in France
 Counties and Boroughs 32
 Members 38

King Edward VI.

S Alton
 Camelford
 Portpigham, *alias* West-
 low
 Grampound

Grampound
 Boffiney
 St. Michael
 Newport
 St. Albans
 Maidstone, (*Which forfeited its privileges under Q. Mary, by adhering to Wyatt's rebellion.*)

Preston

Lancaster

Wigan

Liverpool

Boston

Westminster

Thetford

Peterborough

Brackley

Petersfield

Heydon

Thirsk

Boroughs 22

Members 24

Queen Mary.

A Bington

Ailesbury

Penryn

St. Ives

Castlerising

Higham Ferrars

Morpeth

Woodstock

Banbury

Droitwich

Knareborough

Rippon

Boroughbridge

Alborough

Boroughs 14

Members 25

Queen Elizabeth.

E Aftlow

Tregoney

Fowey

St. Germans

St. Mawes

Kellington

Beralston

Corfe Castle

Cirencester

Maidstone

Queenborough

Newtown

Clithero

East Retford

Bishops Castle

Minehead

Yarmouth

Newport in the Isle of Wight

Stockbridge

Newton

Christ-Church

Lymington

Whitchurch

Andover

Tamworth

Aldborough

Sudbury

Eye		Cambridge University	
Haslemere		Tiverton	
Richmond		Harwich	
Beverly		Tewksbury	
Boroughs	31	Hertford	
Members	62	Oxford University	
		Ilchester	
		St. Edmondsbury	
		Evesham	
		Bewdley	
		Pontefract	
		Boroughs	14
		Members	27
King James I.			
A Gmondesham			
Wendover			
Great Marlow			

From a bare inspection of these LISTS, the following observations will naturally arise.

‘ **T**HAT King Henry the VIIIth, who had great opposition to struggle with in establishing the reformation, first thought of strengthening his hands, by either restoring or granting (mostly by act of Parliament) to counties and boroughs, the right of sending representatives to the house of Commons, whose numbers till then had continued much the same.

‘ That this method was pursued by his successors, and acquiesced in, upon the evident necessity there was to recur to extraordinary means for carrying on the great affairs then in agitation; till such time as that necessity ceasing, the nation was alarmed by the continuance of the same practice under King James the first, who besides took an unusual liberty in erecting boroughs of his own authority, that never had enjoyed any right of sending members to Parliament.

‘ That this Prince perceiving likewise this practice of erecting boroughs was not entirely to be relied on, since he could have no certainty of their return-

‘ returning always such members as might be agree-
‘ able to him, made use of another expedient to in-
‘ fluence Parliaments, by creating new Peers, having
‘ in a reign of 22 years created 62, which is about
‘ nine times as many as Queen *Elizabeth* had done,
‘ whose reign was twice as long.

‘ That as our constitution cannot be preserved un-
‘ less a balance of power is maintained between the
‘ several branches of our government, there is a ne-
‘ cessity of restraining this practice of conferring
‘ honours with so liberal a hand, which in a late
‘ glaring instance we have seen used to very bad pur-
‘ poses ; and if this method be pursued by *Ministries*
‘ *to overturn the measures of their predecessors*, their
‘ frequent changes will occasion such a number of
‘ creations, that no man can tell where it will end,
‘ unless the King’s most gracious offer be accepted,
‘ which is the first instance that perhaps was ever
‘ known of a Prince’s freely consenting to a limita-
‘ tion of his prerogative, in order to secure the liber-
‘ ty of his subjects.

‘ That notwithstanding the limitation proposed,
‘ yet the frequent extinctions of families will suffi-
‘ ciently make room for the crown to bestow honour
‘ upon Commoners of distinguished merit.

‘ The learned and ingenious Author of a pam-
‘ phlet, intitled, *The Plebeian*, would oblige the pub-
‘ lic, by exhibiting a catalogue of the corporations
‘ which Queen *Elizabeth* exonerated from sending
‘ members, and by shewing the wealth of many of
‘ those she restored.

There

There was published likewise upon this occasion, the following *LIST of the Peers of SCOTLAND, at the time of the Union.*

N. B. *Those marked thus (*) are the elected Peers.*

DUKES.

H Amilton
Boccleugh
Lennox
Gordon
Queensbury
Argyle
Dowglas
Athol
* Montrose
* Roxburgh

MARQUESSES.

Tweddale
* Lothian
* Annandale

E A R L S.

Crawford
Errol
Marshall
* Southerland
Marr
Monteith
* Rothes
Mortoun
Buchan
Glencairn
Eglington

Caffils
Caithness
Murray
Nithsdale
Winton
Linlithgow
Hume
Perth
Wigton
Strathmore
Abercorn
Kellie
* Haddington
Galloway
Lauderdale
Seaforth
Kinnoul
* Loudon
Drumfries
Stirling
Elgin
Southesk
Traquair
Ancrum
Weems
Dalhousie
Airly
Findlater
Carnwath
Callender
Leven
Dysart

Panmure

Panmure
 * Selkirk
 Northesk
 Kincardin
 Balcarras
 Forfar
 Aboyne
 Newburgh
 Kilmarnock
 Dundonald
 Dumbarton
 Kintore
 Broadalbin
 Aberdeen
 Dunmore
 Melvil

* Orkney
 Tullibardin
 Rutherglen
 March
 Marchmont
 Seafield
 Hyndford
 Cromerty
 * Stair
 Roseberry
 Glasgow
 Portmore
 * Bute
 Hopeton
 * Delorain
 Solway
 * Isla

V I S C O U N T S.

Faulkland
 Dumbar
 Stortmont

Kenmure
 Arbuthnot
 Frendraught
 Kingston
 Oxenford
 Irvine
 Kilsyth
 Dumblain
 Preston
 Newhaven
 Strathallan
 Teviot
 Duplin
 Garnock
 Primrose

B A R O N S.

Forbes
 Salton
 Gray
 Ochiltry
 Cathcart
 Sinclare
 Mordington
 Semple
 Elphingston
 Oliphant
 Lovat
 Brothwick
 * Ross
 Torphichen
 Spainzie
 Lindores
 Balmerino
 Blantyre
 Cardross
 Cranston
 Burleigh

Jedburgh

Jedburgh

Maderty

Cowpar

Napier

Cameron

Cramond

Rae

Forrester

Pitsligo

Kirkudbright

Frazer

Bargeny

Barnf

Elibank

Halkertoun

* Belhaven

Abercrombey

Duffus

Rollo

Colvil

Ruthven

Rutherford

Ballandein

Newark

Nairn

Eymouth

Kinnaird

Glasfoord

Dingwal

In all 157

Abstract
of the *Ple-*
beian in re-
lation to the
Peerage.

The affair of the Peerage bill having made a great noise, and alarmed not only the generality of the *Scotch* Peers, but also many of the *English* Commo-ners, the same day the bill was brought in, it was opposed by a pamphlet, called the *Plebeian*, or con-siderations upon the report relating to the Peerage, written by a member of the house of Commons; which are as follows :

Considerations upon the report relating to the Peerage.

‘ **A**LL men in high stations have their enemies,
‘ who are ready to suggest whatever may tend
‘ to lessen their credit, and make them odious to the
‘ public. The persons at present in great authority
‘ have been pursued by this evil spirit; but it would
‘ be unjust to give too easy a belief to the insinua-ti-
‘ ons of malicious people. At the beginning of this
‘ session it was reported with much assurance, that a
‘ wonderful discovery was made, that all the char-
‘ ters of *England* were forfeited into the hands of the
‘ crown; and this happy incident, as they call it,
‘ was to afford an opportunity of introducing a law
‘ much

‘ much for the public service : But this was so far
‘ from being true, that the bill which came down
‘ from the house of Peers was a confirmation of the
‘ charters, without so much as any declaration of a
‘ forfeiture. Perhaps it might have been true, that
‘ some little lawyer had found out some mean chi-
‘ cane in law, worthy enough of the pursuit of such
‘ a person, in a private corporation-squabble ; but
‘ such a project, in order to *universal forfeiture*, could
‘ never have weight with any judicious man what-
‘ ever. No body could be so much a novice in bu-
‘ siness, or so extravagant in politics, as to put his
‘ Majesty upon an undertaking, which contributed
‘ more towards the ruin of King *James*, than any
‘ one thing, or perhaps than every thing else besides.
‘ When this report was blown over, the next thing
‘ insinuated to the public, was a design of making a
‘ jest of what justice has been accidentally done to the
‘ nation, by repealing the attainder of one of the
‘ greatest offenders of the late reign ; ’tis very cer-
‘ tain no such attempt will be now made : There
‘ has been a just indignation shewn already at the
‘ bare mention of it, and it is unfair to charge any
‘ particular person with having had any such inten-
‘ tion ; much less should a scandalous discourse gain
‘ credit, that any great officer belonging to his Ma-
‘ jesty would correspond abroad with an attainted
‘ fugitive, intercede for him at home, and even pro-
‘ stitute the character of an ambassador so low, as to
‘ become the messenger of a traitor. These two un-
‘ just accusations were laid at the door of some great
‘ people, at the beginning, and towards the middle
‘ of this session ; and now at the end of it, the pub-
‘ lic is alarmed with the report of another design, of
‘ a more dangerous nature than either of those alrea-
‘ dy mentioned. But as those former reports have
‘ not proved true, so I doubt not but this will like-
‘ wise vanish in the same manner. However, as I
‘ was ready to have appeared in public on either of

‘ the former occasions, if there had been a necessity
 ‘ ty for it ; so, if I am a little more forward in
 ‘ the present affair, I hope the importance of it
 ‘ will justify me : And if I should lose my labour,
 ‘ I shall however shew that good intention for the
 ‘ service of my sovereign, and my fellow subjects,
 ‘ with which I have always exposed myself at a
 ‘ dangerous crisis.

‘ It is affirmed by some people, that a bill will
 ‘ be offered to the house of Commons, in which
 ‘ the present sixteen Peers of *Scotland* are to be
 ‘ made hereditary, to the exclusion of their electors ;
 ‘ and nine more added upon the same foot ;
 ‘ and six more are to be added to the number of
 ‘ *English* Peers : And then the crown is to be restrained
 ‘ from making any new Lords, but upon the
 ‘ extinction of families.

‘ At first sight, this proposal must appear very
 ‘ shocking ! It carries with it too great an alteration
 ‘ of the constitution ; it implies too direct a
 ‘ breach of the union, and of natural justice ; and
 ‘ encroaches too much upon the prerogative of the
 ‘ crown.

‘ As to what relates to the *Scottish* peerage, I
 ‘ must confess I am at a loss to say any thing to
 ‘ it. If the most solemn contract betwixt two nations
 ‘ is to be violated ; if persons are to be deprived
 ‘ of their right without being heard, and without any
 ‘ pretence of forfeiture ; if those who have a power
 ‘ intrusted to them by their principals only for a few
 ‘ years, can seize it to themselves and their posterity
 ‘ for ever, what use will be made of power so
 ‘ acquired, I leave every one to judge.

‘ The shutting up the door of the house of Lords
 ‘ in the manner talked of, cannot but prove a
 ‘ great discouragement to virtuous actions, to learning
 ‘ and industry, and very detrimental to the
 ‘ house of Peers itself, by preventing such frequent
 ‘ supplies

‘ supplies from going into it as the nature of such
‘ a body requires, for want of which it may in
‘ time become corrupt and offensive, like a stag-
‘ nated pool, which hitherto has been preserved
‘ wholesome and pure by the fresh streams that
‘ pass continually into it.

‘ I am not unaware that it will be said, that the
‘ frequent extinctions of families will salve this in-
‘ convenience, and make room for the rewarding
‘ merit. But this expedient, I fear, is not much
‘ to be depended on ; for the uncertainty of the
‘ time when the crown will have any such power,
‘ will make it much the same as if it was never
‘ to have it at all. Besides it is to be considered,
‘ that the patrons of this proposal argue vehement-
‘ ly for it, on account that this will be a means to
‘ ease the crown from the great importunity of pre-
‘ tenders to peerage. If so, it is certain in what
‘ manner they will proceed in all vacancies, which
‘ will be by filling them up instantly, or else the
‘ inconvenience would be increased as to importuni-
‘ ty, and not diminished. This being the case, it is
‘ very evident by what sort of people those vacan-
‘ cies will be supplied ; undoubtedly by the crea-
‘ tures and relations of those Peers who have at
‘ that time the greatest influence in the house, and
‘ whose request to the throne will very much re-
‘ semble demands ; and this honour, in all proba-
‘ bility, will only be thought proper for their own
‘ families. An instance of this we have in the
‘ distinction of the garter. At the first institution
‘ of that order, and till of late years, several Com-
‘ moners had the honour (as the reward of merit)
‘ to be of that noble body : But at present, it
‘ would be looked upon as a high presumption in
‘ any Commoner to pretend to it, let his service be
‘ never so great.

‘ But another consequence, of a much higher na-
‘ ture, attending the limitation of the number of

Peers, is the danger there will be of changing
 the constitution by this means into an aristocracy :
 And this may at any time, in such case, be effected
 by the confederacy of two or three great families,
 which would form such a body amongst the
 Lords, as the crown would not be able to con-
 troul. That this kind of government is one of
 the worst sorts of slavery, is too well known to
 be disputed. In a *democracy* a great many dif-
 ferent persons may come to have a share of pow-
 er by several incidents, but in the other state it is
 birth only that intitles to superiority : And the
 milk such *nobles* are nursed up with, is hatred
 and contempt for every human creature but those
 of their own imaginary dignity.

These being some of the inconveniencies and
 hazards which naturally occur upon this propo-
 sal, let us see what are the advantages which on
 the other hand, it is said, will flow from it.

First, That this will be a bar upon the crown,
 and prevent the King upon the throne from sing-
 ing in a great number of Lords on a sudden, on-
 ly to answer a present purpose, as the late Queen
 once did.

Secondly, That it will be a means to keep pro-
 perty or great estates in the house of Commons,
 from whence they are generally drawn out into
 the house of Peers.

These are said to be such plain whig-points, as
 no whig can oppose.

Whiggism, if I understand it aright, is a de-
 sire of liberty, and a spirit of opposition to all
 exorbitant power in any part of the constitution.
 Formerly the danger on this account was from
 the *crown* ; but since the *habeas corpus* act, and
 the many *restraints* laid upon the crown in King
William's time, and the great and numerous *limi-*
tations of the *succession acts*, the *prerogative* of the
 crown

‘ crown is reduced so low, that it is not at all dan-
‘ gerous to the Commons ; besides, the *crown* has
‘ frequent occasions for the assistance of the Com-
‘ mons ; but the Lords never. The Lords are
‘ judges of the property of the Commons in the
‘ last *resort* ; and even in cases where they them-
‘ selves are concerned, they have their actions *de*
‘ *scandalis magnatum*, and exercise a power of im-
‘ prisoning, not confined within any very certain
‘ boundaries. And therefore the chief circumspec-
‘ tion of the Commons ought to be employed at
‘ present, that those who have so much power al-
‘ ready, do not get more than the Commons will
‘ be able to withstand in any manner. I con-
‘ fess the making a great number of Lords on a
‘ sudden has one inconvenience : It may prevent
‘ some good to the public, but cannot do any
‘ great hurt, and is more grievous in its consequen-
‘ ces to the crown, than to the people. The en-
‘ creasing the number of Peers, is always to be
‘ wished for by the Commons, because the greater
‘ their number, the less considerable they become,
‘ and the less within the influence of court favours ;
‘ by which means alone ministers are kept in awe,
‘ and remain in a situation of being called to an
‘ account for their actions. Were it otherwise,
‘ they would be out of the reach of any accusation.
‘ They would know exactly by whom they were
‘ to be tried, and their judges might be their ac-
‘ complices. And should this once come to be the
‘ case, what might they not attempt with impunity.
‘ On the other hand, if their Lordships com-
‘ plain of the great number of Peers as a grievance
‘ to themselves, why are they desirous any more
‘ should be made ? If twelve at once was so bad
‘ a precedent, what is fifteen, taking it in one light ?
‘ What is thirty-one, if you take it in another ?
‘ If at the *union*, sixteen *Scotch* noblemen were
‘ found to be a just proportion to represent their

‘ whole nobility, what has happened since, to
‘ give reason to increase their number to twenty-
‘ five? Why may they not as well, a few years
‘ hence, (especially if the head of a clan is to be
‘ taken in, who may not like the set of nobles at
‘ that time,) demand to be made fifty, to give
‘ his followers the majority, and so from time to
‘ time to continue to play the game into each
‘ other’s hands, as long as there is one nobleman
‘ left in *Scotland*, or any civil list in *England*? If
‘ the commoners of *England* are to be excluded from
‘ the house of Lords, why are they not excluded
‘ forthwith? It cannot be supposed that titles *in petto*
‘ are kept on purpose to bribe persons of conse-
‘ quence in the house of Commons, to drive such
‘ a bill through that part of the legislature.

‘ Upon the foot the constitution has subsisted
‘ many years, the crown, in all great emergencies
‘ relating immediately to itself, has been able to
‘ fence against the Lords, by adding to their num-
‘ ber, and against the Commons, by dissolutions;
‘ and in like manner in cases of difference betwixt
‘ the two houses. But if such a law as is menti-
‘ oned above, should be made, and any difference
‘ happen hereafter betwixt the two houses of Par-
‘ liament, the crown may not have it in its pow-
‘ er to influence the Lords in relation to itself, or
‘ in relation to the Commons. And therefore it
‘ must be the inevitable consequence of such a mis-
‘ fortune, that both the crown and the Commons
‘ must submit to the Lords. In former times, the
‘ greatest art and care of the crown and ministers
‘ used to be preventing of jealousies and differen-
‘ ces betwixt the two houses. This proposal, I
‘ fear, would be raising an implacable animosity
‘ and hatred, scarce ever to be reconciled.

‘ The great advantage that the number of their
‘ body cannot be increased, is at present the most
‘ valuable

‘ valuable privilege of the Commons, and the only
‘ thing that makes them considerable. The Lords
‘ are possessed of many great privileges, which they
‘ will not permit the Commons to share with
‘ them; and therefore the Commons would be
‘ highly wanting to themselves, if they should add
‘ this advantage likewise to the Lords, which is
‘ the only one that they enjoy distinct from them.

‘ It has been used as an argument, by some peo-
‘ ple, for the increasing the number of the Lords,
‘ that the crown formerly increased the number of
‘ the Commons, in particular in Queen *Elizabeth*’s
‘ reign. But I desire it may be understood, that
‘ the sending members to Parliament at that time
‘ was not desired as a favour, but imposed as a bur-
‘ den. Queen *Elizabeth* erected several new cor-
‘ porations; and then the reason for it was, she re-
‘ lieved several ancient and decayed ones from send-
‘ ing any members at all. And how little this re-
‘ sembles the present case, is easily perceived.

‘ The other advantage which ’tis said will ac-
‘ crue from this proposal, is, that it will be a means
‘ to keep property amongst the Commons.

‘ I cannot see that there is occasion for so extraor-
‘ dinary a step as this is, and accompanied with
‘ so many evils, to procure us this assurance. Pro-
‘ perty or wealth, in every age, flows faster back to
‘ the Commons by the extinction of families, but
‘ much more by the want of œconomy in the
‘ Peers, than it is drawn from them by the pro-
‘ motions of the crown. Besides, we see estates
‘ are often extinct before families; and property
‘ is very rarely increased in the house of Peers.
‘ Indeed, if a restraining bill should pass, I do not
‘ doubt but it would be soon followed with a bill
‘ to prevent Lords from alienating their estates, for
‘ which many plausible reasons are to be produced:
‘ And then, without all dispute, the balance of
‘ property

property would be soon turned on the side of their Lordships.

These are all the arguments I have heard for this supposed bill ; which is neither a whig nor a tory point, but would be a scheme that might hereafter set up some nobles above the crown and the Commons both. For as to what is commonly said, that the Lords would get nothing, no new power would be added to them by this means ; I beg leave to state this matter in a proper light. Suppose the balance to be now even betwixt the Lords and the crown, as it certainly is, or else the constitution would not subsist in quiet ; is it not plain to the most common capacity, that when two scales are upon an equal poise, if you take any weight out of one of them, you give advantage to the other, without putting any thing into it.

How dangerous it may prove to vary the balance of power in a limited monarchy, we may learn from the ruin of one of the best founded governments amongst the ancients. The original power the *Ephori*, in the *Lacedæmonian* state, were invested with, besides that of being part of the legislature, was chiefly the determining law-matters relating to private contracts, and such like business. In the absence of their Kings they composed the regency : *Regum absentum vicarii erant*, is the expression made use of by Craggs, *de Rep. Lac. p. 76.* but afterwards, upon the diminution of the regal authority (which indeed was voluntarily complied with by their King, as I shall shew by and by) their power grew immense, *eorum potestas in immensum aucta est.* Craggs, *ibid.* They administered every thing of consequence : They disposed of the public treasure : They influenced the assembly of the people, and made them vote for peace and war, as they thought fit, *Concionem populi regebant ; bellum pacemq; concionis*

‘ *cionis suffragiis sciscebant. Ub. Em. de R. Lac. p.*
‘ 293. They made or broke treaties : They rais-
‘ ed or disbanded the army. In fine, they had or
‘ usurped the right of rewarding or punishing
‘ whom and when they pleased. At last they took
‘ upon them to dethrone, or imprison, or execute
‘ their Kings themselves : *Theopompus*, King of
‘ *Sparta*, was advised against giving way to the
‘ diminution of the royal dignity, by which the
‘ power of those magistrates grew so great : But
‘ he declared he did it, to settle the government,
‘ by that means, upon a more lasting foundation,
‘ *ut diuturniorem potestatem relinqueret, Craggs p.*
‘ 74.

‘ This unwary step proved fatal both to the
‘ crown and the people, and ended in the ruin of
‘ the constitution. *Theopompus* was one of the most
‘ virtuous, most moderate, and most gracious
‘ Princes amongst all the *Spartan* Kings. It ap-
‘ peared evidently by this very instance of his
‘ willingness to part with the power of the crown
‘ for the good of his people : But for that very rea-
‘ son the people should not have suffered the au-
‘ thority of the crown to have been weakened, but
‘ should rather have added to it, since power could
‘ not be lodged any where else, so much for their
‘ safety and advantage. When the Prince had no
‘ longer force enough to restrain the many headed
‘ sovereignty, it bore down all that stood in its
‘ way, as we have heard ; and in the end grew so
‘ insupportable, that the people, to be delivered
‘ from so vile a slavery, submitted to the usurpa-
‘ tion of a private person, who, to the satisfaction
‘ of revenging them upon their oppressors, added
‘ this single act of grace ; he wiped off all the
‘ public debts at once. (*Ut plebem demulceret, et*
‘ *alienum universum deleuit.*) *Em. p. 349. Et res-*
‘ *publica in tyrannidem conversa est. Craggs, p. 72.*
‘ Those

‘ Those that are desirous to consult the author
‘ himself, whom I have chiefly quoted on this oc-
‘ casion, must have recourse to his book of the
‘ *Lacedæmonian* government, printed 1593. *apud*
‘ *Petrum Santandreamum*. It appears by the dedi-
‘ cation of this treatise, that he was a follower of
‘ the first minister of the court of *Denmark*, upon
‘ whom he solely depended to make his fortune,
‘ *tuo patrocinio salus mea constituta*, *Ep. D.* The
‘ character *Ubbo Emmius*, a great lawyer of that
‘ age (who was a sort of rival to my author) gives
‘ of *Craggs*, is, that he was a person of great bold-
‘ ness and industry, *ausu & industria, pref. to de*
‘ *Re Græ.* But not so happy in his judgment. But
‘ begging pardon for this digression, which is only
‘ intended for the curious, and to return to my sub-
‘ ject : There are other and more modern instan-
‘ ces, and living historians of our own, who can
‘ satisfy us, that too great a power in the hands of
‘ the nobility, has brought on the ruin of many
‘ free nations. This was the case of *Sweden* a few
‘ years ago, as appears plainly from the very in-
‘ genious labours of a venerable prelate of the pre-
‘ sent house of Peers. This was the case of *Den-*
‘ *mark*, of which a very accurate account has been
‘ given by a noble Lord of a neighbouring king-
‘ dom, a member of the house of Commons.
‘ Nothing can be better writ, or more instructive
‘ to any one that values liberty, than the narrative
‘ of that tragedy, in that excellent treatise : I wish
‘ gentlemen would see there how commoners were
‘ treated by the nobility, when they had the pow-
‘ er over them. This noble Lord will inform
‘ them, that they laid heavy impositions on the
‘ Commons at pleasure, which weight they them-
‘ selves would not touch with one of their fingers ;
‘ and when the Commons presumed to complain,
‘ tho’ they were just come, from saving, from a
‘ foreign yoke, not only the capital city of their
‘ country

country, but the whole kingdom, the royal family, nay those very nobles that dealt so hardly by them. I say, when the Commons ventured to complain, let any *Englishman* but hear the answer that was given them ; “ A principal senator, says his Lordship, stood up, and in great anger told the president of the city, that the Commons neither understood nor considered the privileges of the nobility, nor the true condition of themselves, who were no other than slaves.” The Commons, fired with indignation at this treatment, and resolving, if they were to be slaves, to be slaves to their Prince, rather than slaves to their fellow subjects, instantly surrendered all their liberties to their King ; and the Lords were forced to follow their example with so much haste, that in four days time, that kingdom was changed, says my noble and honest author, to as absolute a monarchy as any in the whole world.

‘ In short, it has been for our ancient constitution that we have struggled with so much vigour for many years together : ’Tis for that we have poured out a river of *English* blood, and a treasure unheard of in any former age. This constitution may have its imperfections ; but, faulty as it is, our ancestors have conveyed down liberty to us thro’ that channel ; and we ought to continue it on, as well as we can, to our posterity, and not to give way to the new modelling schemes of every extraordinary genius. It would certainly be new modelling the constitution in a great measure, to take a considerable part of what power is left to the crown, from the crown, and by that means add very much to the power of the Lords.

‘ Besides, it is to be remembered, that the evil which may be brought upon the Commons by this means, will be irretrievable. Those persons
‘ deceive

' deceive themselves, who think, that if such a law
 ' should prove destructive, it may be annulled, no-
 ' thing being more usual than for one Parliament
 ' to repeal the acts of another. This is true in
 ' common cases, because almost all laws relate to
 ' every part of the legislature, and any inconveni-
 ' ence is felt in some measure by each of them: But
 ' this will be a law which will relate chiefly, nay
 ' solely, to the Lords; and whatever injury the
 ' Crown or the Commons may receive by it, their
 ' Lordships will be very sensible of the advantage
 ' of it to themselves: And nothing can be more
 ' vain, than to imagine, that the Commons will
 ' be ever able to shake off any exorbitant power
 ' that the Lords shall be once possessed of, unless
 ' it be by an universal destruction, like those just
 ' mentioned, which will swallow Lords and Com-
 ' mons, and all estates together. For which rea-
 ' sons, this project, if it should ever be offered
 ' to the Commons, is not only to be opposed with
 ' all the zeal imaginable, but every step, every at-
 ' tempt towards it, is to be detested. He that
 ' gives the power of blood, is a murderer; and
 ' he that gives the power of tyranny, is a tyrant,
 ' I shall add but one word more; the greatest
 ' traitor to civil society that ever yet appeared,
 ' will be the man, if such a one can be found,
 ' who shall contend for such a bill, should it be
 ' proposed among the Commons, with the assur-
 ' ance in his pocket of being a Peer as soon as the
 ' bill passes: And should he succeed, which God
 ' forbid, that honour which is to be the reward of
 ' so base a treachery, will be a lasting mark of in-
 ' famy to the family that bears it, whilst any notion
 ' of honesty remains among mankind. Thus far
 ' the *plebeian*.

On the other hand, several champions appeared
 for the bill; but the most considerable being the
 ' person

person who concealed himself under the name of the *old whig*, we shall give our readers a faithful abstract of his observations on the peerage, and of his remarks upon the plebeian, which are as follows.

1. ' That the best writers upon government, Abstract of
the old whig.
' have unanimously agreed in opinion that the most
' perfect and reasonable form is a mixt government,
' in opposition to that of any single person, or any
' single order of men. For whether the legislative
' power be lodged intirely in a Prince, or in an
' *aristocracy*, or in a *democracy*, it is still looked upon
' as tyrannical, and not calculated for the happiness of
' the whole community.

2. ' That it is also established as a maxim, that
' the legislative power is most perfect, when it is
' distributed into three branches. If it all centers in
' one man, or in a body of men of the same qua-
' lity, it is that form of government which is call-
' ed *tyrannical*; if it be thrown into two branches,
' it wants a casting power, and is under such a di-
' vided authority as would often draw two different
' ways, and produce some time or other such a
' discord as would, by degrees, end in *anarchy*.
' If it consist of four branches, it wants likewise
' a casting power, and is liable to the same incon-
' veniencies, as when it is composed of two. And
' if it be divided into five, or more parts, it ne-
' cessarily runs into confusion, and will not long
' retain either the form, or the name of govern-
' ment.

3. ' That the most natural and equitable divi-
' sion of these three branches of the legislature, is
' the *regal*, and *noble*, and the *plebeian*: Because
' the whole community is cast under these several
' heads, and has not in it a single member, who is
' without his *representative* in the legislature of such
' a constitution.

4. ' That

4. ' That is is necessary these three branches
' should be entirely separate and distinct from each
' other, so that none of them may lie too much
' under the influence and controul of either of the
' collateral branches. For if one part of the legis-
' lature may any ways be invested with a power to
' force either of the other two to concur with it, the
' legislative power is in reality divided into no more
' than two branches.

5. ' That it is the boast of *Englishmen*, that our
' government is fixed upon this triple basis, which
' has been allowed a form the most accommodat-
' ed to the happiness of a community, and the
' most likely to stand secure in its own strength.
' But if upon examination one branch of its legis-
' lature is liable, on any occasion, to be entirely
' mastered and controuled by one of the other, it
' is certain that nothing can be more desirable than
' such an improvement in our constitution, as may
' remove out of it this visible imperfection. If a
' King has a power, when he pleases, to add what
' number he shall think fit to a body of nobles,
' it is plain he may secure his point in that branch
' of the legislature, and command two votes out of
' three. This has made many assert, that there are
' not properly more than two branches in our legis-
' lature, notwithstanding we flatter ourselves that
' they are three.

6. ' That in this case, a precarious power of
' nobles, so far subject to the regal power in their
' legislative capacity, might sometimes be more per-
' nicious to the public than if the power of both
' the branches were united in the sovereign: Because
' a bad King would scarce venture upon some things,
' were the whole odium of them to turn upon him-
' self; whereas the body of peerage, should they on-
' ly be created in an emergency to carry any unju-
' stifiable design, would serve to divert or silence the
' murmurs of the public.

*

7. ' That

7. ' That it is a known saying of a late *British*
' King, *that if his friends could gain him a house*
' *of Commons, he would throw his troop of guards in-*
' *to the house of Lords, rather than miscarry in his*
' *measures.* And whether it is impossible for a
' court to gain a house of Commons of what com-
' plexion they please, and what would be the con-
' sequences of their success in such an attempt,
' whilst the crown is possessed of a certain means of
' filling the house of Lords with its own creatures,
' are points too evident in themselves to be insisted
' upon.

8. ' That the foregoing reflections are like first
' principles, that have not only been the avowed
' maxims of the *whigs*, but have furnished matter of
' complaint to every party in its turn. This power
' of the prerogative has always occasioned murmurs,
' when either side has found it exerted to its preju-
' dice. We have often wished for a redress of it,
' and have now an opportunity of coming at it,
' which, if we do not lay hold of, is not likely ever
' to offer itself again.

9. ' That it is proposed, to prevent those many
' inconveniencies which may arise from an arbitrary
' creation of Peers, to restrain the Peers to a certain
' number: But that there are objections made to
' this expedient, from the consequences it would have
' upon the crown.

10. ' That it is represented, that it will be the
' cutting off a branch from the prerogative; but
' if this be the cutting off a branch which is per-
' nicious to the public, it is certainly a very good ar-
' gument for doing it, when we can: And that this
' power is of such a nature, can scarce admit of a dis-
' pute. Besides, that the crown, far from being les-
' sened by it, will receive a greater lustre, by part-
' ing with a prerogative that has often given offence,
' and may sometime turn to the destruction of the
' subject.

11. ' That

11. ' That the crown, as a branch of the legislature, cannot desire a greater prerogative than of a negative in the passing of a law : And as it ought not to influence either house in their debates, what can a good King desire more than the power of approving or rejecting any bill.

12. ' That the crown will still have all the power in it of doing good to the people, in which the prerogative of our *British* Kings will be unlimited. In short, it neither touches the executive nor the legislative power of the crown, nor takes away the prerogative of creating Peers, but only of doing it in such a manner as seems repugnant to reason and justice. The *British* King will still be the source of nobility, and hold in himself the principle of peerage, tho' it is not to be lavished away on multitudes, or given occasionally to the detriment of the public.

13. ' That the crown does no more in parting with a branch of its prerogative, than what the two other parts of the legislature have frequently done with regard to their respective bodies, when they have found any of their rights and privileges prejudicial to the community ; all such self-denying acts are of a popular nature, and have been passed with a good liking and applause of their fellow subjects. Nay the crown has never more recommended itself to the affection of the people, than when it has retrenched itself in any exorbitance of power that did not seem consistent with their liberty ; in passing the bill of *habeas corpus*, and that for establishing *triennial Parliaments*.

14. ' That indeed were this point extorted from the crown in its necessities, it might be generous at such a juncture to appear in the defence of the prerogative ; but this is not our case, we are only disputing whether we shall accept of a voluntary concession

‘ concession made by the sovereign himself ; who
‘ out of his unparalleled goodness has shewn, by
‘ this instance, that he places the true dignity of a
‘ *British* monarchy where it always ought to be
‘ placed, in the liberty of his people.

15. ‘ That having considered this alteration pro-
‘ posed to be made in our constitution, with relati-
‘ on to the crown : We must now consider it with
‘ regard, first to the house of Commons, and in
‘ the next place to the whole body of the *English*
‘ commonalty ; and if we find that it will prove
‘ advantageous in its consequences under both these
‘ views, it is undoubtedly an alteration very much
‘ to be wished for.

16. ‘ That the number of Peers is in a few
‘ reigns increased from 59 to near 220, and there
‘ is no question but that, in as few succeeding reigns,
‘ their present number will swell in greater proporti-
‘ ons than it has done hitherto. It is a general remark,
‘ that since the act passed for *triennial elections*,
‘ commoners of great estates are more desirous
‘ than ever of gaining a place in the upper house,
‘ which will exempt them from such a constant de-
‘ pendance on their electors, and the frequent re-
‘ turns of trouble and expence in their elections.
‘ At least, it is natural to suppose that every King
‘ will make such additions as will give his friends
‘ a majority ; nay, if we may conclude from ex-
‘ perience, every minister who differs in his poli-
‘ tics from his *predecessors*, will bring to his assist-
‘ ance a sufficient number to turn the balance in
‘ his favour. And it is obvious to every one how
‘ quick is the succession of ministers in this country.

17. ‘ That the first good consequence of the
‘ proposed alteration to the house of Commons
‘ will be this, that it will fill that house with
‘ men of the largest fortunes, and abilities ; for
‘ such men will set themselves forward to be elect-
‘ ed into such a seat, when it is the highest honour

‘ they can have immediately in their view. By this
 ‘ means, those will have the giving of money in
 ‘ their power, who have the most of it in their
 ‘ possession. But above all, the influence of the
 ‘ Commons, will preserve it self in its due
 ‘ strength ; for, of all maxims, none is more un-
 ‘ contested, than that *power follows property*. But
 ‘ what additional strength would this give the house
 ‘ of Lords, if the richest members of the house of
 ‘ Commons may be draughted out of it, in such
 ‘ numbers as the present frame of our constitution
 ‘ permits ? Nor would the inconvenience be less
 ‘ with respect to men of great parliamentary abili-
 ‘ ties, if instead of continuing to add weight and
 ‘ authority to the lower house, they may be call-
 ‘ ed up at any time to imploy the same abilities,
 ‘ in aggrandizing the figure of another house.

18. ‘ That as the proposed alteration will be a
 ‘ proper means to give a figure to the house of
 ‘ Commons, so will it likewise be an expedient to
 ‘ preserve their integrity, as it will take off the
 ‘ most effectual method, of bribing men of over-
 ‘ grown fortunes. When a *peerage dangles before*
 ‘ *the eyes* of the most wealthy commoner, it may
 ‘ have charms in it to one, who would have a con-
 ‘ tempt for any offers of another kind. A man’s
 ‘ ambition is as susceptible of bribes as his avarice,
 ‘ and it should be the care of a legislature to cut
 ‘ off all temptations to corruption. It is true, the
 ‘ alteration proposed would not utterly remove the
 ‘ influence of such a motive, but it would certain-
 ‘ ly very much weaken it.

19. ‘ That if this method restrains men of the
 ‘ greatest figure of the lower house from making
 ‘ their way so easily to the upper, it will tend to
 ‘ the bringing a greater number of places of the
 ‘ highest trust, honour or profit, into the hands of
 ‘ the most able and wealthy commoners. Men so
 ‘ accomplished will have a diffusive influence both
 ‘ in

‘ in their own house, and in their respective coun-
‘ tries, and it will be necessary for all governments
‘ to find out proper rewards for such men ; and
‘ gratifications of this kind no commoner will en-
‘ vy them, since they enable them to be beneficial
‘ to the body of people whom they represent.

20. ‘ That however, the proposed restraint is
‘ far from being an exclusion of such commoners
‘ who are recommended, by their fortunes, or their
‘ abilities. According to the calculation generally
‘ received, there may happen two extinctions or va-
‘ cancies, taking one year with another, in the bo-
‘ dy of Peers, as fixed and ascertained by the new
‘ scheme. And surely the Commons of *England*
‘ will think it sufficient to lose annually two of their
‘ most considerable members.

21. ‘ That a restraint upon the number of the
‘ Lords will necessarily restrain the influence of
‘ that body, in the elections of members to serve
‘ in the lower house. Few members of the house
‘ of Commons are advanced to peerage, who have
‘ not one or more corporations under their direc-
‘ tion ; nay, very often, this is one reason for
‘ their promotion. If, therefore, this perpetually
‘ increasing body of Lords continues on the foot it
‘ is now, as their number is augmented, their in-
‘ fluence in elections will grow more general, till at
‘ length, as the upper house is the creature of the
‘ crown, the lower house may be in a great mea-
‘ sure the creature of the Lords : And so in pro-
‘ cess of time, unless seasonably prevented, the house
‘ of Commons may be filled with the stewards
‘ and bayliffs of our Peers.

22. ‘ That the consequences from such an alte-
‘ ration, upon the whole bulk of the *English* com-
‘ monalty would be, that they should always find
‘ the first place in the thoughts of their representa-
‘ tives. If they should gain only this single ad-
‘ vantage, I think it is a very considerable one,

‘ that it will hinder the nation from being over-
 ‘ run with Lords. We know that in the sale of
 ‘ an estate, it is no small recommendation to the
 ‘ buyer, that there is no Lord within so many
 ‘ miles of it, and the distance of such a borderer
 ‘ is often looked upon as an equivalent to a year’s
 ‘ purchase. But who can be secure from such a
 ‘ neighbour, whilst the species is so apt to increase
 ‘ and multiply? I shall not insist upon paying of
 ‘ debts, which is looked upon as a moral duty
 ‘ amongst commoners, who cannot but be sorry to
 ‘ see any additions to an order of men, that are
 ‘ sheltered by privileges from the demands of their
 ‘ honest and industrious creditors.

23. ‘ But that the great point, in this case, is,
 ‘ that the alteration now proposed will give such a
 ‘ mighty power to the bulk of the *English* Com-
 ‘ mons, as can be never counterbalanced by the
 ‘ body of the nobility. Should we suppose 235
 ‘ Peers possessed, one with another, of 5000 *l. per*
 ‘ *annum*, this would amount to no more than
 ‘ 1175000 *l. per annum*; and what is such a pro-
 ‘ perty, and the power arising out of it, compared
 ‘ with the power arising out of the property of
 ‘ those many millions possessed by the Commons?
 ‘ Besides, that the great accessions of wealth yearly
 ‘ made in the body of the Commons, would give
 ‘ it continually an increase of property and power,
 ‘ which would accrue to the body of the nobles,
 ‘ in case their door was always open to men of
 ‘ overflowing fortunes, who might find no great
 ‘ difficulty in procuring an entrance.

24. ‘ Then the author offers these two ques-
 ‘ tions,

First, ‘ If two schemes of government were pro-
 ‘ posed to him, in both of which the legislature
 ‘ should consist of three branches, whether he
 ‘ would prefer that scheme, in which one of the
 ‘ branches might be increased at pleasure by ano-
 ‘ ther

‘ ther of them, or that scheme in which every
‘ branch should be limited to a certain stated num-
‘ ber : Nay, if the two schemes were placed in a pa-
‘ rallel with one another, and considered in their re-
‘ spective consequences, whether the first would not
‘ appear a most wild and indigested project ?

‘ In the second place, if the Lords had been li-
‘ mited to a certain number by our constitution,
‘ whether it would not have been thought unpar-
‘ donable in any one who should have proposed to
‘ have taken off that limitation, and left it to the
‘ pleasure of the crown arbitrarily to add to them
‘ any number at any time.

‘ *No body, says he, can be at a loss to determine
‘ himself in these questions, who considers this subject by
‘ those plain lights, which are already exhibited in this
‘ discourse.*’ After this the author examines the ob-
‘ jections that have been started against this altera-
‘ tion proposed to be made in the constitution of
‘ the house of Peers, as they are laid together in
‘ *the Plebeian*, as follows :

25. ‘ *At first sight, says the Plebeian, this propo-
‘ sal must appear very shocking. It carries with it
‘ too great an alteration of the constitution. This
‘ first general objection will be sufficiently answer-
‘ ed, if this alteration of the constitution is from
‘ worse to better ; which, I think, has been fully
‘ proved. As every thing is formed into perfec-
‘ tion by degrees, the wisdom of all legislatures
‘ has embraced every opportunity of making such
‘ changes in their government, as have been ad-
‘ vantageous to those who live under it ; this author
‘ himself gives us an eminent instance of a great al-
‘ teration of our constitution in the lower house,
‘ under the reign of Queen Elizabeth, when the
‘ crown erected several new corporations, and reliev-
‘ ed several ancient and decayed ones from sending any
‘ members at all. I do not make use of this in-*

crease in the number of the Commons, as an argument for an increase of the number of Lords, which the author produces as the reasoning of some people who are for the bill ; such people, if any there are, must talk inconsistently with themselves, since it is the purport of the bill to prevent the house of Lords from growing too numerous : But is an unanswerable argument to shew, that there has been as great an alteration in one branch of our legislature, as is now proposed to be made in another, and that such an alteration should be introduced into our form of government, when there are good reasons for it ; on which account our author himself justifies the above-mentioned alteration in the house of Commons. *Whiggism*, says he, *is a desire of liberty, and a spirit of opposition to all exorbitant power in any part of the constitution ; formerly the danger on this account was from the crown, but since the habeas corpus act, and the many restraints laid upon the crown, the prerogative of the crown is reduced so low, that it is not at all dangerous to the Commons.* As we have the author's confession in the aforementioned instance of an alteration in the *plebeian*, he has here given us an account of as remarkable changes in the regal branch of our government. The prerogative was retrenched in those several instances, because, without such retrenchment, the power of it appeared exorbitant and dangerous to the Commons. If therefore there still inheres in the crown a power that is exorbitant and dangerous to the Commons, there is the same reason why the Commons should lay hold of the present opportunity to retrench it ; this is the matter in debate betwixt us ; but be that as it will, the argument which the author here makes use of, against the bill in question ; *that it carries in it too great an alteration of the constitution,*

‘stitution, would have been as good an argument
‘against the *babeas corpus* act, or any other of those
‘above-mentioned.

26. Having taken off the force of this main
objection, the *Old Whig* follows others as the
plebeian leads him. He tells us, *says he*, that the
‘shutting up the door of the house of Lords in the
‘manner talked of, cannot but prove a great dis-
‘couragement to virtuous actions, to learning and in-
‘dustry, and very detrimental to the house of Peers
‘itself, &c. This consideration, if it has any force,
‘cuts down all the other arguments drawn from
‘the new accessions of figure and power, which
‘he supposes would accrue to the house of Lords,
‘by the passing of the bill so much talked of.
‘Can it be detrimental to the house of Lords, and
‘at the same time throw into their hands all the
‘places and honours that the crown can confer up-
‘on them? Will that body of men, which would
‘become mean and despicable, and offensive as a
‘stagnated pool by the means of this alteration, be
‘raised by the same means to be the most formid-
‘able, and the most honoured part in our consti-
‘tution? Or could the same body degenerate into
‘a public nuisance; as our author represents it, and
‘at the same time be able to over-awe both King
‘and people? Can two such contrary effects be
‘produced from one and the same cause? But could
‘we suppose that this body of men might thus de-
‘generate; would they be able, without numerous
‘recruits of wealth, learning and industry, to op-
‘pose any thing for the good of the community,
‘in contradiction to the King and people?

27. ‘Our author adds, *I am not unaware it will*
‘be said that the frequent extinction of noble families
‘will salve this inconvenience, and make room for
‘the rewarding of merit. But, this expedient, I
‘fear, is not much to be depended on, &c. Which is
‘as much as to say, that unless the crown has power

' of making what number of Lords it pleases, and
 ' at what time it pleases, and to serve what turn it
 ' pleases, it had as good have no power at all of
 ' making Peers, which the author supposes is the
 ' only adequate power it has of rewarding merit.
 ' Not to ask the author whether it be generally
 ' *virtuous actions, learning or industry*, that recom-
 ' mend commoners to the peerage, or of what
 ' other kind the merit is, which has been often
 ' thus rewarded; I shall only ask him, whether
 ' any man has so *crying a merit* as immediately re-
 ' quires a peerage for its reward? Or whether the
 ' extinction of two titles in a year will not leave
 ' room enough for the crown to reward those ex-
 ' traordinary persons, whose merits give them such
 ' a demand upon it.

28. ' We come now to the most considerable
 ' paragraph of the whole book: *But another conse-*
 ' *quence of a much higher nature, attending the limi-*
 ' *tation of the number of Peers, is the danger there*
 ' *will be of changing the constitution by this means*
 ' *into an aristocracy*: &c. The question to be stated
 ' here is, whether the house of Lords, under their
 ' present constitution, is not as likely to run into an
 ' *aristocracy*, as it would be in case their numbers
 ' should be limited. It appears very plain to me,
 ' that a body of Peers perpetually increasing, and
 ' capable of additions, has in it a natural tendency
 ' to an *aristocracy*. Supposing that the house of
 ' Lords from 60 members is now swelled to 200:
 ' These, if increased by the same proportion,
 ' would in the same number of years amount to
 ' 666, to which we may presume there would be
 ' still the like proportionable additions. By this
 ' means they would in time receive such vast ac-
 ' cessions of property, as might encourage them
 ' not only to entertain so ambitious a design, but
 ' in a great measure to render it effectual; especi-
 ' ally when any men could be admitted in to their
 ' own

own order, with their great abilities in Parliament, or their great influence among the people, who might be most capable of opposing their incroachments upon the Commons. I do allow that such additions would be prejudicial to the crown; but, this is no reason, why they would not be made, as it has not prevented the additions that have been made in our own memory. For tho' the crown, in general, would be a sufferer by this method; yet it would naturally have recourse to it, as it has formerly, when it labours under any present exigency, that can only be removed by such an expedient. This danger of an *aristocracy* would be very much abated, and utterly removed by the limitation of the Lords to such a number, as is now proposed. In such a case, their property would be so very inconsiderable, when compared with that of the Commons, that it would render such a design in them the most chimerical, and impracticable. And since it is impossible, that the whole body of Lords, in their united strength, could be able to establish themselves into an aristocracy, the *Plebeian's* imagination vanishes, that *this may at any time, in such a case, be effected by the confederacy of two or three great families, which would form such a body among the Lords, as the crown would not be able to controul.* If the author means by the crown not being able to controul the Lords, that it would be restrained from pouring in such a number as would always sway them to its inclinations, it is what ought to be wished for. If he means, that this want of power in the crown would enable them to erect an *aristocracy*, it is certainly a wrong consequence: Because not only the crown, but the people would have a superior power in them to the body of nobles, and are equally concerned to preserve their stations in the government. The *Plebeian*, after this, endeavours

to

‘ to prove, that an *aristocracy* is a bad form of
 ‘ government, and that a democracy is preferable
 ‘ to it, in which I entirely agree with him ; but
 ‘ must add, that a mixt government made out of
 ‘ *aristocracy, democracy, and monarchy*, is better than
 ‘ either of them. The author subjoins, that *the milk*
 ‘ *which nobles are nursed up with is hatred and con-*
 ‘ *tempt of every human creature, but those of their own*
 ‘ *imaginary dignity*; If so, the fewer of them the bet-
 ‘ ter. What commoner would not desire to put a
 ‘ stop to the increase of them?

26. ‘ The next objection is from the great pri-
 ‘ vileges the Lords are already possessed of with re-
 ‘ lation to actions *de scandalis magnatum*, &c. which
 ‘ is likewise a very good reason why we should hin-
 ‘ der the increase of persons invested with these pri-
 ‘ vileges ; and as for the judicial power, with that
 ‘ of imprisoning, they are such as subsist in their bo-
 ‘ dy, as it is now constituted, and therefore cannot
 ‘ be objected to the proposed alteration, which
 ‘ would only leave them as they are.

30. ‘ *The encreasing the number of Peers*, says the
 ‘ *Plebeian, is always to be wished for by the Com-*
 ‘ *mons* : (We have seen sufficient reasons why it
 ‘ should not) *Because the greater their number, the*
 ‘ *less considerable they become*. (The contrary of which
 ‘ has been evidently proved;) *and the less within*
 ‘ *the influence of court favours*; (What! when by
 ‘ this very power of increasing at will, it can se-
 ‘ cure any point among them that it pleases;) *by*
 ‘ *which means alone ministers are kept in awe, and*
 ‘ *remain in a situation of being called to account for*
 ‘ *their actions* : &c. Is this inconvenience better
 ‘ prevented in a house of Peers on the bottom it
 ‘ now stands ; can any who has been a good mi-
 ‘ nister be secure, if the crown should add a suf-
 ‘ ficient number of enemies to those who sit in judg-
 ‘ ment upon him ; or is a bad minister in any dan-
 ‘ ger

ger, when he may be sheltered by the addition of a sufficient number of his friends?

31. ' I must not pass over another remarkable paragraph of the *Plebeian*, upon the same argument for encreasing the Lords at pleasure. *The great advantage*, says he, *that the number of their body cannot be encreased, is at present the most valuable privilege of the house of Commons, and the only thing that makes them considerable.* This is indeed a very poor advantage, to found upon it the grandeur of a house of Commons. Is not the power of giving money and raising taxes confined to that body, and which can never fail to give them the greatest weight in the legislature. He goes on, *The Lords are possessed of many great privileges which they will not permit the Commons to share with them*; and therefore the Commons would be highly wanting to themselves, if they should add this advantage likewise to the Lords, &c. The *Plebeian*, as it may turn to his account, sometimes considers the Lords in their personal privileges as they are individuals, and sometimes as they are a body of men in the legislature. If he here means their privileges in the former view, I do allow they are very great ones, and therefore certainly every commoner cannot desire an encrease of such *individuals*. But if he here means their privileges as a *legislative body*, it is certain that all their privileges together are not equal to that one, of commanding the purse of the community. So that it is wonderful how he could advance, that the number of the house of Commons not being subject to an encrease, is *the only advantage that they enjoy distinct from the house of Lords.*

32. ' The *Plebeian* next proceeds, to speak of the proportion of property between the two houses of Lords and Commons, which is a point already fully discussed; but I cannot omit what
the

' the Author asserts as an indisputable point, and
 ' which in it self is the greatest *paradox* I ever
 ' heard advanced. His words are, *Indeed if a re-*
 ' *straining bill should pass, I do not doubt but it would*
 ' *be soon followed with a bill to prevent Lords from*
 ' *alienating their estates, for which many plausible rea-*
 ' *sons are to be produced: And then without all dis-*
 ' *pute the balance of property will be soon turned on*
 ' *the side of their Lordships:* Which is as much as
 ' to say, that the Lords will have as much wealth
 ' amongst them as the whole body of the *British*
 ' Commons, or that one million will be a balance
 ' against a hundred millions. Indeed the house
 ' of Lords in their present constitution may be
 ' always approaching to a balance in property with
 ' the Commons, from whence they are continually
 ' receiving into their body such large supplies; but
 ' if their number be once limited, you cut off their
 ' recruits, and lay them under an impossibility of
 ' ever rivalling the other branch of the legislature in
 ' this particular.

33. ' The *Plebeian's* argument, that a new pow-
 ' er would arise to the house of Lords from the al-
 ' teration so much talked of, is founded upon a fact
 ' which every one denies. The *Plebeian* supposes,
 ' that the balance between the two parts of the le-
 ' gislature *should* be even, and so far I concur with
 ' him, that being the chief end which this alteration
 ' has in view. But I can by no means suppose with
 ' him that they are even, because it is contrary to
 ' matter of fact. For we plainly see, that the So-
 ' vereign has it always in his power to make what
 ' division of party or opinion he pleases prevail in
 ' that house. As for the reason of their present sup-
 ' posed equality, *that otherwise they could not subsist*
 ' *in quiet*, it has no force in it, because we see very
 ' ill-constituted governments will subsist in quiet for
 ' many ages, not that they are preserved by a right-
 ' ly

‘ly tempered constitution, which would give them
‘the greatest strength, but by other accidental
‘causes. The ill consequences of such an inequali-
‘lity may be frequently felt and complained of,
‘tho’ they may not shake the tranquillity of the
‘public.

34. After this the *Old Whig* refers to another pamphlet, the consideration of the intended limitation, as it affects the *Scottish* nobility, and then concludes as follows :

35. ‘ Since the writing of the foregoing discourse,
‘ I have perused a pamphlet, intitled, *The thoughts*
‘ *of a member of the lower house, &c.* in which the
‘ Author first approves our constitution as divided
‘ into its *three* branches, and contends in effect, that
‘ it should consist of no more than *two* ; for he
‘ supposes the house of Lords instituted only as
‘ guardians, and ornaments of the Throne, and to
‘ be augmented by the crown in such a proportion,
‘ as may strengthen it in opposition to the house of
‘ Commons. The reader may see his scheme in the
‘ following words. *There is not*, says this Writer,
‘ *a more certain maxim in politics, than that a*
‘ *monarchy must subsist by an army, or nobility.*
‘ *The first makes it despotic, and the latter a free go-*
‘ *vernment. I presume none of those noble personages*
‘ *themselves, who have the honour to make up that il-*
‘ *lustrious body, do believe they are so distinguished and*
‘ *advanced above their fellow-subjects for their own*
‘ *sakes : They know they are intended the guardians, as*
‘ *well as ornaments of the monarchy, an essential pre-*
‘ *rogative of which it must be to add to, and augment*
‘ *their number in such proportion, as to render them a*
‘ *proper balance against the democratical part of our*
‘ *constitution, without being formidable to the monarchy*
‘ *it self, the support of which is the reason of their in-*
‘ *stitution.*

stitution. This is a most extraordinary notion of government, that one branch of a legislature should be instituted, only to be subservient to the strength and support of another ; but it is on this bottom that he founds his whole discourse ; and for his objections to the proposed alteration, I find they are such as I have already obviated in the course of this pamphlet. If any thing remains in them unanswered, it will fall under the last objection against the matter in debate.

36. *Suppose, says the objection, there should be an inflexible obstinacy in a house of Peers, what method would there be left to bring them to a concurrence with the two other branches of the legislature, when it will not be in the power of the King to bring them over to reason, by flinging in sufficient numbers among them ?* To this I answer, That if the Lords are obstinate in a point, that is *reasonable and beneficial* to the community, it will be happy for their country, that they should be invested with the proper power of a legislative branch, not to be overruled to wrong measures. This may sometimes be of great advantage to the public, if we can possibly suppose, that the two other branches may concur in any thing that is not consistent with justice, or the national interest. If the Peers are thus inflexibly obstinate in any methods that are *dishonourable, unjust or pernicious* to their country ; can we imagine, they could not be influenced into a compliance, by the authority of the two sharing branches in the legislature ? Or, can we think, they would persist in measures which would draw upon them the displeasure of the crown, and the resentments of the whole Commons of *Great Britain* ? Every body of men takes as much care as possible to preserve their credit, and to render themselves popular ; and we cannot think that
 ‘ any

any branch of a legislature would be made up of madmen, or pursue such measures as must necessarily end in their infamy, or their destruction; especially, when they are infinitely weaker than either of the other constituent parts of our legislature. Could any person apprehend such a behaviour from them, I am sure the same person cannot in his heart apprehend their growing up into an *Aristocracy*. The Peers are so little a match for the crown in power, or the Commons in property, (much less able to cope with the united force of both) that it is wildness to suppose them guilty of such an unjust and unreasonable obstinacy, as they know might endanger their very being in the *British* constitution. And now, I shall only propose it to every one's thoughts, whether an expedient, which will remedy the greatest inconvenience that may arise to us, from one of the branches of the legislature, and of which we have had experience, as has been already sufficiently explained, should prevail with us to lay it aside, out of a groundless fear, that it should expose us to an inconvenience from another branch of the legislature, which must suppose them destitute of common sense, void of honour and equity, and regardless of self-preservation, before it can possibly befall us. To this I shall only add, that whatever objections are made against this alteration in the constitution, may be made against every form of government, in which the legislature consists of three distinct branches, and that is, against such a form as has been pronounced the most perfect, by those who have been the most skilful politicians.

Thus

The *Plebeian's* answer to the *Old Whig*.

Thus far the *Old Whig*, whose objections the Author of the *Plebeian* answers a few days after, in the following manner.

‘ The first Argument of the *Plebeian*, which the
 ‘ *Old Whig* objects to, *That tho’ the Plebeian declares*
 ‘ *against the proposed bill, because it will make so great*
 ‘ *an alteration in our constitution, yet he produces an*
 ‘ *eminent instance of a great alteration of our constitu-*
 ‘ *tion in the lower house, under the reign of Queen Eli-*
 ‘ *zabeth, when the crown erected several new corpora-*
 ‘ *tions, and relieved several ancient decayed ones from*
 ‘ *sending any members at all.*

‘ This, the *Remarker* says, was as great an alte-
 ‘ ration in one branch of our legislature, as is now
 ‘ proposed to be made in another. The *Remarker*
 ‘ quite mistakes this point; for instead of being an
 ‘ alteration of so great consequence to the constitu-
 ‘ tion of the Commons, as this new proposal is of
 ‘ that of the Lords, it was an alteration of no con-
 ‘ sequence at all. Suppose the towns of *Watchet* and
 ‘ *Dunster*, two sea-ports in *Somersetshire*, to have been
 ‘ destroyed in the wars with *Ireland*, in *Queen Eli-*
 ‘ *zabeth’s* time. The inhabitants, on account of po-
 ‘ verty, apply to the crown to be exempted from
 ‘ the charge of paying four members to represent
 ‘ them in Parliament. The crown some time after
 ‘ grants charters to two neighbouring towns in flou-
 ‘ rishing circumstances, and directs the writs at a fol-
 ‘ lowing summons of Parliament, to be sent to *Ti-*
 ‘ *verton* and *Honiton*, instead of *Watchet* and *Dun-*
 ‘ *ster*. Let any body judge if this alteration can be
 ‘ of any consequence to the house of Commons.
 ‘ Here is nothing else but the places changed, and
 ‘ four members from *Tiverton* and *Honiton* are the
 ‘ same thing as four from *Watchet* and *Dunster*.

‘ Another

‘ Another argument, which the Remarker says
‘ the *Plebeian* furnishes against himself, is, *That he*
‘ *owns the prerogative has been retrenched in several*
‘ *instances; because without such retrenchment the pow-*
‘ *er of it appeared exorbitant and dangerous to the*
‘ *Commons.* But these retrenchments being now
‘ made, the question at present is, Whether the Com-
‘ mons ought to go on stripping the crown of every
‘ jewel, till it becomes less resplendent than a Doge of
‘ *Venice’s* coronet, or less comfortable than the Sword-
‘ bearer’s cap of maintenance; and, what is of the
‘ greatest moment to the Commons, less able to pro-
‘ tect them against the power of a house of Lords,
‘ if ever their Lordships should be disposed to claim
‘ a larger share of authority than belongs to them?

‘ The manner in which the Remarker states the
‘ *Plebeian’s* argument, relating to the *shutting up the*
‘ *door of the house of Lords*, shews he either wilfully
‘ or ignorantly mistakes that part of the controversy:
‘ For, after having cited the words of the *Plebeian*, he
‘ asks, *if it can be detrimental to the house of Lords,*
‘ *and at the same time throw into their hands all the*
‘ *places and honours that the crown can confer upon*
‘ *them? Will that body of men, which would become*
‘ *mean and despicable, and offensive as a stagnated*
‘ *pool, by the means of this alteration, be raised*
‘ *to be the most honoured part of the constitution? Or*
‘ *would they be able, without numerous recruits of*
‘ *wealth, learning, and industry, to oppose any thing*
‘ *for the good of the community?* To this I answer,
‘ It will not be detrimental to them in point of pow-
‘ er, but will be detrimental on account of those ta-
‘ lents that ought to accompany power; the want
‘ of which the Commons will feel in their judicature,
‘ and in many more particulars. They will be of-
‘ fensive to others, but not perceive it themselves;
‘ they will be formidable, but not honoured. These
‘ are natural effects that all exorbitant power produces.

‘ As to wealth they will take it, ’tis to be feared,
 ‘ where they can find it; and learning and industry
 ‘ will be as useless baubles to their Lordships, as *dang-*
 ‘ *ling Peerages* (as my Author describes them excel-
 ‘ lently well) are to men of sense among the Com-
 ‘ mons.

‘ The next objection of the Old *Whig* to the *Ple-*
 ‘ *beian*, is, *That he avers the uncertainty of the extinc-*
 ‘ *tion of families will leave so little opportunity for the*
 ‘ *crown to reward merit by Patrician honours, that it*
 ‘ *will be much the same thing as if the crown were*
 ‘ *never to have any such power at all. Whereas* (says
 ‘ he) *there will be two titles extinct every year, accord-*
 ‘ *ing to the calculation generally received.*

‘ By the *calculation generally received*, I suppose the
 ‘ *Remarker* means the list published by way of pre-
 ‘ lude to this project. Whether it be true or false,
 ‘ would take more time to examine into, than the
 ‘ constitution it is intended to introduce would sub-
 ‘ sist. But supposing, for argument sake, that the
 ‘ calculation is right, and that in 116 years there
 ‘ have been 154 extinctions, there will be found
 ‘ wanting seventy eight to make up his number of
 ‘ two a year: So that the extinctions have not been
 ‘ during that term quite so many as after the rate of
 ‘ one Lord and a half *per Annum*. But besides this
 ‘ error in arithmetic, there is another error of an *odd*
 ‘ *nature* in this *computation*; which will reduce the
 ‘ extinctions to fewer than even one a year. And if
 ‘ so, those who expect to have their services reward-
 ‘ ed by reversions so uncertainly computed, may
 ‘ have time enough to try all their patience, and at
 ‘ last find, that instead of advancing themselves to
 ‘ dignity, they have been forging their own chains.
 ‘ In the *computations of the titles extinct*, all those are
 ‘ comprehended who have been extinguished by the
 ‘ *edge of the law, for treason, rebellion, and other ca-*
 ‘ *pital offences*; and who, without a spirit of prophecy,
 ‘ can foretel what *vacancies* may happen by such

‘ means for the future? But if in favour of this *scheme*,
 ‘ it be admitted that in all probability there may be
 ‘ as great *criminals* hereafter in that noble body, as
 ‘ there have been for the time past, is it not to be
 ‘ feared that the *path to justice* may be more difficult,
 ‘ after this narrowing the way up to the house of Peers,
 ‘ than it has been formerly?

‘ As to what the *Remarker* has objected to the ar-
 ‘ guments of the *Plebeian*, which prove, *That the*
 ‘ *limitation of the number of the Lords will run the con-*
 ‘ *stitution into an aristocracy*; this matter shall be con-
 ‘ sidered presently.

‘ In a following paragraph, where the *Remarker*
 ‘ takes notice of what the *Plebeian* urges on the side
 ‘ of the King and Commons, viz. *That an ill Mini-*
 ‘ *ster might be skreened against them both, if this law*
 ‘ *should take place, by reason that in such case he would*
 ‘ *know exactly his Judges (who might likewise be his*
 ‘ *accomplices) and so act with impunity*; the *Remarker*
 ‘ argues, *That if this bill does not pass, an innocent*
 ‘ *Minister cannot be secure, nor a guilty one punished, if*
 ‘ *the crown should add to the house of Peers a sufficient*
 ‘ *number of the enemies of the one, or of the friends of*
 ‘ *the other.* In either of which cases, the utmost
 ‘ iniquity must be supposed in the crown, which I
 ‘ cannot bring my self to do, and therefore my ar-
 ‘ gument remains entire. And it would grieve me
 ‘ to the heart, if I could think there were any *inno-*
 ‘ *cent Ministers*, who ought to be emboldened by the
 ‘ consciousness of their integrity, and yet should have
 ‘ greater apprehensions from honest actions, than has
 ‘ been hitherto shewn by men of the most guilty
 ‘ consciences, thro’ the many ages that this constitu-
 ‘ tion has subsisted, without the alteration now de-
 ‘ sired.

‘ The *Remarker* thinks it wonderful how the *Ple-*
 ‘ *beian* could advance, *That the number of the house*
 ‘ *of Commons not being subject to an increase, is the only*
 ‘ *advantage that they enjoy distinct from the house*
 ‘ of

' of Lords, and alledges, that *all their Lordships*
 ' *privileges together are not equal to that one of com-*
 ' *manding the purse of the community.* Were it true,
 ' that the Commons enjoyed this privilege of *com-*
 ' *manding the purse of the community,* distinct from
 ' the house of Lords, they would be very easy as to
 ' the increasing, or diminishing, or fixing their num-
 ' ber, or as to any thing else that might belong to
 ' that noble assembly. But, alas! this is not the
 ' case; for their Lordships concurrence is as necessa-
 ' ry to a money bill, as to any other bill: Nay,
 ' whether a money bill may not originally take its
 ' rise in their house, is a point never yet clearly
 ' given up by their Lordships, and whether they
 ' may not be more inclinable to dispute this matter,
 ' if ever their door comes to be shut in the manner
 ' now proposed, may deserve very curious reflections.

' Thus having answered every objection made to
 ' the former *Plebeian* by the *Old Whig*, except such as
 ' will occur in considering this argument, as he states
 ' it himself; I shall now proceed to that point which
 ' I proposed at first setting out.

' I agree with our author, *That the best kind of*
 ' *government is that which is composed of these three*
 ' *branches, the Royal, the Noble, and the Plebeian.*
 ' This is at present our happy constitution: But then,
 ' says this Author, *we have one imperfection or defect*
 ' *in it, which wants to be remedied, and that is, the*
 ' *crown has too great a power over one branch of this*
 ' *constitution; namely, the Noble, in that the crown*
 ' *can, whenever it pleases, add so many to their num-*
 ' *ber as to influence their actions.* And this Author
 ' likewise assures us, *That the crown has power enough*
 ' *also to gain a house of Commons, of what completion*
 ' *it pleases.* From whence I observe, First, That if it be
 ' a fault in the constitution, that the crown has so great
 ' power over one branch of the constitution, the Noble, as
 ' this Author affirms, it is as great an imperfection that
 ' the crown has so great a power, as he also affirms
 ' it

‘ it has over the *Plebeian*. And therefore this Au-
‘ thor should have proposed some method to have
‘ remedied this defect in the latter, as well as in the
‘ former branch ; or else that perfection in the con-
‘ stitution he seems to be desirous of, cannot be ar-
‘ rived at. He contends, that it is absolutely ne-
‘ cessary the *Lords should be entirely independent on the*
‘ *crown* : An impartial friend to the whole *body of*
‘ *the people*, and to sound reason, would have said as
‘ much for the Commons ; then these two estates
‘ would have been upon a level. But even by such
‘ an alteration, which is the only equal one, our
‘ constitution would not be mended, but made much
‘ worse ; for if both Lords and Commons were as
‘ independent of the crown as this Author desires the
‘ Lords may be, the unhappy consequence that must
‘ ensue would be, that if any discord should arise be-
‘ twixt them, and each remain inflexibly resolved, here
‘ the constitution would certainly want a casting pow-
‘ er ; and the only way of ending the dispute must
‘ be, like a *Polish Dyet*, *by getting up on horseback*.
‘ And therefore this power now in the crown is ne-
‘ cessary for the good of the whole community, to
‘ prevent the greatest confusion, which might other-
‘ wise arise from the passions of men.

‘ The crown once parted with this power out of
‘ its hands to the Commons ; and that concession
‘ produced the ruin of the monarchy, and of the
‘ Peerage. If the crown should part with the power
‘ now to the Lords, that it has over them, why may it
‘ not be reasonably apprehended, that the same fatal
‘ consequence may ensue to the King and the Commons ?

‘ If it be necessary that the power now in the
‘ crown should remain there, for the good of the
‘ people in general ; it is as necessary for the de-
‘ fence, and advantage of the crown itself. The
‘ Lords (by the power the crown has of adding to
‘ their number) are a fluctuating uncertain body.
‘ This is all that gives the crown any influence over

‘ them, and prevents combinations, cabals, and fac-
 ‘ tions against the crown : But if the door comes once
 ‘ to be shut, so that the crown cannot make any
 ‘ considerable addition to their number in any exi-
 ‘ gencies whatever, what a door is opened at the same
 ‘ time to form a power superior to that of the crown,
 ‘ and superior to all human controul ? Then they
 ‘ will become a fixed certain body : And should
 ‘ three or four ambitious bold men combine together
 ‘ hereafter, of the greatest families, and the greatest
 ‘ estates, where would the difficulty be of getting a
 ‘ majority of two hundred thirty five ? And if once
 ‘ obtained, what remedy could be provided, in so
 ‘ desperate a case ? Whilst they act in the common
 ‘ methods of government, they would command all
 ‘ favours ; and should they ever act in an *arbitrary*
 ‘ manner, necessity and self-defence would make the
 ‘ union amongst them the stronger.

‘ I will now examine what the Author of the *Old*
 ‘ *Whig* calls the *Great Point*, and which ought to
 ‘ carry the chief weight with us in this case ; which
 ‘ is, *That the alteration now proposed, will give such a*
 ‘ *mighty power to the bulk of the English commons, as*
 ‘ *can never be counter-balanced by the body of the no-*
 ‘ *bility.* Should we suppose 235 Peers possessed one with
 ‘ another of 5000 l. per Ann. this would amount to no
 ‘ more than 1,175,000 l. per Ann. And what is such
 ‘ a property, and the power arising out of it, compar-
 ‘ ed with the power arising out of the property of those
 ‘ many millions possessed by the Commons ?

‘ By this state of the case, we are to suppose on
 ‘ the one hand, a certain limited hereditary body
 ‘ of 235 Peers, enjoying great privileges above the
 ‘ Commons, and possessed of an annual revenue a-
 ‘ mounting to 1,175,000 l. which they have en-
 ‘ tirely in their own power ; and this estate not so
 ‘ equally divided as 5000 l. per Ann. to every in-
 ‘ dividual, but to some the command of 50,000 l.
 ‘ a year apiece, others not 500 l. a year : On the
 ‘ other

‘ other hand, you must suppose a body of about
‘ twice the number, fluctuating, unfixed, in the pow-
‘ er of their Prince every moment, at farthest not
‘ able to subsist above a few years, and possessed of
‘ not near half the estate before-mentioned ; is it not
‘ too evident which of these two bodies must destroy
‘ the other, if once this should come to be really
‘ the case ? The Lords are principals, and act en-
‘ tirely for themselves : The Commoners are no far-
‘ ther principals than as to the estates they possess
‘ themselves. As our Author has stated this mat-
‘ ter, in order to magnify the power of the wealth of
‘ the Commons, tho’ he is all along speaking of the
‘ aggregate body, yet he would insinuate as if they
‘ had as great command over the universal body of
‘ the people, as the Lords have over themselves.
‘ This is as much as to say, that the four members
‘ of the city of *London* have as absolute command
‘ over the estates of all the inhabitants of that great
‘ *Metropolis*, as any four Lords have over their te-
‘ nants. Indeed, if the Commons had a power of
‘ laying taxes upon the estates of all those they re-
‘ present, that would be the same thing in this case,
‘ provided they had it abstractedly from the Lords.
‘ But this fallacy has been already detected. The
‘ Commons have no more power over their fellow
‘ subjects estates than the Lords. They cannot lay
‘ any tax without their Lordships concurrence. And
‘ all that is peculiar to the Commons in this matter,
‘ is, that they have hitherto been allowed to chuse
‘ what tax they judged easiest for the people : But
‘ every day’s experience shews, that if the Lords
‘ differ in opinion from the Commons, their power
‘ is at an end. The better to illustrate this *Great*
‘ *Point*, as the *Old Whig* has computed the value of
‘ the wealth of the Body of Peers, I will take the
‘ liberty to compute the value of the wealth of the
‘ body of the Commons. Supposing them to be
‘ worth, one with another, 800 *l. per Ann.* inclu-

' ding personal estates, which I am certain is not
 ' disparaging this, or any other house of Commons,
 ' that has sat in a *British* Parliament; the annual
 ' income of five hundred fifty eight Commoners
 ' will amount to 446,400 *l.* which is so insignificant
 ' a sum, in proportion to the value of the pro-
 ' perty of the Lords, that I will beg leave to com-
 ' pute his Majesty's whole civil list with the proper-
 ' ty of the Commons; both sums together making
 ' but one million, forty six thousand, four hundred
 ' pounds, and there will still remain a balance on
 ' their Lordships side, of one hundred twenty eight
 ' thousand, six hundred pounds *per Ann.* *There-*
 ' *fore, if it is an uncontested maxim, That power fol-*
 ' *lows property,* here is power, here is property;
 ' and let the body that possesses both in such a de-
 ' gree, be but once made so independent as is pro-
 ' posed, would not the crown, would not the Com-
 ' mons, be absolutely under the dominion of the
 ' Lords, according to this Author's own way of rea-
 ' soning?

' I am satisfied the controversy is ended here: But
 ' I will suppose my Author not to have been mista-
 ' ken so very grossly, and to have examined his argu-
 ' ment upon an imagination, that the property of the
 ' house of Commons was ten times superior to that
 ' of the Lords, whereas the property of the Lords
 ' is near three times as much as theirs; yet even in
 ' this case, the Lords would have the advantage of
 ' them; because an united constant body of men
 ' always acting for the same interest and grandeur,
 ' and pursuing a continued scheme, must be an
 ' over-match for so transitory a body, and made
 ' up of persons of such different views and interests
 ' as the house of Commons is. To bring an in-
 ' stance on this head, let us imagine the stock of
 ' the bank of *England* to be of the value of one
 ' million, and the stock or cash of all the Bankers,
 ' Scriveners, Goldsmiths, and dealers in money
 ' throughout

‘ throughout *London*, to be four times or eight
‘ times that sum; is there any body who does not
‘ believe the bank, incorporated and well com-
‘ pacted in all respects for its own private interest,
‘ will have a greater power, greater credit and
‘ authority, than all those particular proprietors of
‘ a much larger capital, who cannot possibly be
‘ ever put into any posture, so as to act with that
‘ weight for their interest, as the bank will do for
‘ it self in the circumstances above-mentioned?
‘ The great power of all such fixed bodies is
‘ chiefly owing to this circumstance, that two or
‘ three persons always govern the rest; and it is as
‘ well the common interest of the society that they
‘ should be so governed, as the particular interest
‘ of the governors. In this their strength chiefly
‘ consists; and for this reason five or six hundred
‘ Lords (if any body can be so wild as to suppose
‘ the crown will ever increase their number to such
‘ a degree) will not be so terrible to the crown or
‘ the people, as two hundred thirty five, or any
‘ such fixed number. For to suppose that the ma-
‘ jority of two hundred thirty five Lords, were
‘ they so fixed, would not be entirely directed and
‘ influenced by three or four amongst them of the
‘ greatest wealth, abilities and resolution, is as ab-
‘ surd and improbable to common reason and
‘ constant experience, as any thing that can be
‘ thought of.

‘ If it be allowed then, as it certainly must be,
‘ that the weight of so great power, and of such
‘ disproportionable property, may by this means
‘ come into a very few hands, what havock may
‘ it not make of the dignity of the crown, and of
‘ the liberty of the people?

‘ Thus I have shewn the certain destructive con-
‘ sequences of this project. I must confess, I do
‘ not believe that the authors of this scheme were
‘ apprehensive how far it would go; but since it
‘ is

‘ is now so plain, that *he who runs may read*, I hope
‘ they themselves will desist from so desperate an
‘ undertaking.

‘ I cannot help observing, that his Majesty is
‘ treated with great indignity by the author before
‘ me, in several passages of his pamphlet. In one
‘ place, he says, *Whilst the door of the house of*
‘ *Lords is always open, people of overflowing for-*
‘ *tunes may find no great difficulty in procuring an*
‘ *entrance.* In another, he insinuates, *That there*
‘ *is another kind of merit besides what arises from*
‘ *virtuous actions, learning, and industry, that has*
‘ *been often rewarded with peerage.* I am satisfied
‘ his Majesty has used this prerogative, as he has
‘ done every other prerogative of the crown, with
‘ the greatest discernment, and therefore I am
‘ willing to trust it still in his hands. The house
‘ of Lords is treated by this author still more *en*
‘ *Cavalier* than his Majesty. His words are these :
‘ *If the English commonalty should (by this bill)*
‘ *gain only this single advantage, I think it a very*
‘ *considerable one, That it will hinder the nation*
‘ *from being over-run with Lords.* We know, that
‘ *in a sale of an estate it is no small recommendation*
‘ *to the buyer, that there is no Lord within so ma-*
‘ *ny miles of it ; and the distance of such a borderer*
‘ *is often looked upon as an equivalent to a year’s*
‘ *purchase, &c.*

‘ I cannot very well account for it, how this
‘ author comes to take so great a liberty as he
‘ has done here ; even so far, as to endeavour to
‘ make it believed, that the Lords are sheltered
‘ from their just debts ; whereas every one knows,
‘ a Lord’s goods and effects are liable to the pur-
‘ suit of his creditors, though his person is always
‘ protected. This author and I differ on every
‘ account, as to what relates to this branch of the
‘ legislature. They seem to me to have been for
‘ many years, and to be at present a just and ho-
‘ nourable

‘ honourable body, this, I think, is owing to the
‘ frame of that body, and the situation it is in.
‘ I am against altering either, for fear lest they
‘ should become tyrannical and odious. The *Old*
‘ *Whig* represents them to be at present a species
‘ of such a nature, as I dare not venture to repeat,
‘ but must refer to his own words ; and yet con-
‘ tends to vest them with much greater powers than
‘ they now have.

‘ I have but one remark more to make upon
‘ this author, which is indeed in a matter of the
‘ last consequence. The author of the *Old Whig*
‘ has very truly stated the power of the crown, as
‘ it relates to the legislature, in these words ; *The*
‘ *crown, as a branch of the legislature, cannot de-*
‘ *sire a greater prerogative, than that of a negative*
‘ *in the passing of a law : And as it ought not to in-*
‘ *fluence either house in their debates, what can a*
‘ *good King desire more, than the power of approv-*
‘ *ing or rejecting any such bill as cannot pass into*
‘ *a law without the royal assent ?* As I readily ad-
‘ mit of all that is here advanced, that the regal
‘ part of the legislature is to wait for the advice of
‘ its great council, both houses of Parliament, and
‘ to give its negative to what it does not approve ;
‘ that doing otherwise, would be influencing the
‘ debates of one or both houses, and turning the
‘ constitution quite upside down : As I sincerely
‘ allow, a good King cannot desire any more than
‘ the approving or rejecting any bill offered him ;
‘ and as I believe from the bottom of my heart,
‘ that we never had so good a King as we have
‘ now, what credit can I give to what this author
‘ asserts, *That his Majesty has already signified his*
‘ *consent on this point*, of so great consequence to
‘ himself, and to the very being of his *Faithful*
‘ *Commons*, before he has so much as once heard
‘ their opinion ? Our author calls this an *act of*
‘ *unparalleled goodness* : But what I have to say
‘ upon

‘ upon this subject, I shall reserve to another opportunity.

Abstract of
the *Plebeian*
No. III.

The *Plebeian*, it seems, *expected*, before the end of the month of *March*, to have heard again from the Old Whig; especially as to his making good what relates to the part he was pleased to affirm his Majesty had already taken in this affair. But being disappointed, he was willing to wait some time longer; and in the mean time to shew (as he pretends) with how much candor he proceeds in this dispute, he published in his third paper a speech (said to be) made in a kind of a private public company for the bill; in which all the arguments on that side the question are urged with that great strength of reason, and with all that advantage of oratory, for which the honourable person who made it is so deservedly admired.

The form in which it was published by the *Plebeian*, is as follows:

A S P E E C H in the long room, at the
Comp---ler's.

Optat Ephippia Bos.—*Hor. Epist. 14.*

Mr. Bla—n,

THOUGH the worthy Gentleman that spoke last, has represented the bill that occasions this meeting, as destructive of all that ought to be dear to every one that values his country, yet I am not ashamed to appear for it with all the little zeal I am master of. According to the way that I have the honour of thinking of this matter, this seems to me to be the best bill that ever was offered us; and therefore I shall be for it to the last drop of my breath. I wish any Gentleman would lay his hand upon his heart,

‘ heart, and answer me whether the making twelve
‘ Lords at once in a late reign, was not the wick-
‘ edest thing that ever was heard of : And such a
‘ thing I am certain may be attempted again, if
‘ we do not shew them a new *game*, and give
‘ them one and thirty of our friends, to prevent
‘ any such practice for the future : The worthy
‘ Gentleman was pleased to say, that the noble
‘ Lord who was the author of that advice, might
‘ in some measure be excused, if that matter is
‘ compared with what is now proposed.

‘ That Lord, says he, plainly shewed that he
‘ thought what he did was a justifiable action, be-
‘ cause he left the door open for himself to be
‘ called to account for it, in the same manner as
‘ all other Ministers had done before him ; and
‘ did not endeavour to put himself out of all
‘ reach, by fixing those persons to be his Judges,
‘ who concurred with him in what he did. Sir,
‘ I must tell that worthy Gentleman, that though
‘ it has often happened that wicked men have been
‘ infatuated, and slipt their opportunity ; yet that
‘ should not prevent honest Gentlemen from pro-
‘ viding for their own safety upon the like occa-
‘ sion. In all these cases, that worthy person ad-
‘ ded, that we ought to consider *quo animo* a man
‘ acts. I have already given my judgment in ano-
‘ ther place as to those words, and I shall give
‘ the same opinion here again. The Gentleman,
‘ he thinks that this is a very bad bill ; that is
‘ his *quo animo*. I think it a very good one ; that
‘ is my *quo animo*. As to what he said about the
‘ *Scotch* Lords, that this would be invading their
‘ property, and taking away their birth-right, out
‘ of a pretence of curing a public inconvenience ;
‘ and that in the same way of arguing, any Par-
‘ liament may as well take away the *funds* ; no-
‘ thing being more inconvenient to the public,
‘ than paying such great and endless taxes : I
‘ hope

‘ hope the Gentleman will allow there is a great
 ‘ deal of difference between what is done by
 ‘ friends, and what is done by enemies. If we
 ‘ do take away their property, I hope there is no
 ‘ body here that imagines that we do it out of ill
 ‘ will ; and the world must allow, that what is
 ‘ done is rather out of kindness to ourselves, than
 ‘ out of malice to them. Besides, I have been
 ‘ informed by a very *honourable Gentleman*, that
 ‘ *three of them are boys at school* ; and I hope no
 ‘ body can imagine at this time of day, that any
 ‘ of those Gentlemen, for whom I own I have the
 ‘ greatest esteem, would be so barbarous, *as to*
 ‘ *hurt young boys, out of an aversion to their persons*.
 ‘ As for those of *riper years*, there are several of
 ‘ them *Jacobites*, as the same *honourable person*
 ‘ has assured me ; and I hope no such sort of peo-
 ‘ ple will meet with any encouragement here.
 ‘ Gentlemen are pleased to dwell much upon the
 ‘ *Scotch nobility* in this case, as if their represen-
 ‘ tatives intended to take their property from
 ‘ them ; whereas it is very plain, they intend to
 ‘ make a pr—— of them : And is not that the
 ‘ same thing to the whole nation, so long as it is
 ‘ all amongst their *own countrymen* ? And there-
 ‘ fore I cannot imagine how any body can be so
 ‘ absurd, as to look upon this as a breach of the
 ‘ *union* : And I hope we shall hear no more of
 ‘ that matter.

‘ There has been one thing often insinuated in
 ‘ this debate, as if some Gentlemen were influ-
 ‘ enced to come into this proposal *by assurance of*
 ‘ *Peerages*, as if *they had warrants in their pockets*,
 ‘ and I do not know what. For my part, Sir,
 ‘ I act according to the best of my *understanding*,
 ‘ and none of those mean considerations can have
 ‘ any weight with me. As for all their titles and
 ‘ honours, *I cast them all behind my back like chaff*
 ‘ *be-*

‘ *before the wind.* For all which reasons, I shall
 ‘ be heartily for the bill.’

On *Tuesday* the 10th of *March*, the King went to the house of Peers, and the Commons being sent for up, and attending, his Majesty gave the royal assent to several bills, after which he was pleased to say, That he had given orders to the Lord Chancellor to declare to both houses, in his name and words, a matter his Majesty thought of the greatest importance; whereupon the Lord Chancellor read the following speech:

My Lords and Gentlemen,

‘ **H**AVING received from our good brother The King's
speech.
 ‘ and ally, the Most Christian King, repeat-
 ‘ ed advices that an invasion will suddenly be at-
 ‘ tempted from *Spain* against my dominions, in
 ‘ favour of the *Pretender* to my crown, I have
 ‘ judged it convenient to make you acquainted
 ‘ with it, and shall, on my part, take all the ne-
 ‘ cessary measures to defeat the designs of our
 ‘ enemies.

Gentlemen of the house of Commons,

‘ This attempt, if it proceed, must engage me
 ‘ in some farther expences by sea and land than
 ‘ provision has been made for. I must therefore
 ‘ recommend it to you that I be enabled in such
 ‘ manner as you shall judge convenient, to make
 ‘ the necessary dispositions for our security; and
 ‘ you may depend upon it, that I shall upon this,
 ‘ and all occasions, have as much regard to the
 ‘ ease of my people, as shall be consistent with
 ‘ their safety.

My Lords and Gentlemen,

‘ The many proofs I have had of the affection
 ‘ and loyalty of this Parliament, leave me no
 ‘ room

‘ room to doubt of your steady and vigorous per-
‘ severance in support of my person and govern-
‘ ment upon this occasion.

The Commons being returned to their house, it was moved, That an humble address be presented to his Majesty, to return him the dutiful and unfeigned thanks of this house for having graciously communicated to this Parliament, that he has received intelligence of an invasion intended from *Spain* against these kingdoms ; and to assure his Majesty that this house will support him with the utmost vigour and efforts to defeat so extraordinary an attempt : And to desire that his Majesty would give the necessary orders to strengthen and augment his forces by sea and land, in such manner as he, in his great wisdom, shall think fit ; assuring his Majesty, that this house will effectually make good any increase of expence that shall arise from such an augmentation, and effectually enable his Majesty not only to disappoint the designs of his enemies, both at home and abroad, but by the blessing of God turn them to their own confusion. None of the members did directly oppose this motion, only a Gentleman took this opportunity to find fault with the present administration ; ‘ particularly with re-
‘ spect to the sending a fleet into the *Mediterranean*, whilst *Great-Britain* was left naked, and
‘ exposed to the insults of a provoked enemy
‘ abroad. He also reflected on some steps, where-
‘ by the discontents had been much increased at
‘ home ; and, among others, took notice of the
‘ bill lately brought into the other house, which
‘ could not fail making most of the *Scotch* Peers
‘ implacable enemies. He added, That though
‘ he could not forbear blaming the conduct of the
‘ Ministers in some particulars, yet he still retain-
‘ ed the same thoughts with respect to his Majesty,
‘ and

‘ and would readily concur with the house, in giving him the most hearty proofs of their zeal and affection for his Majesty’s person and government; and even go so far as to give his vote for suspending the *Habeas Corpus* act, in case of necessity; but that, in his opinion, it became the wisdom of that house, to know whether the advices his Majesty had received of an intended invasion, were well grounded, before they either alarmed the public, or engaged the nation in needless expences.’

This speech was answered by Mr. Secretary *Craggs*, who, among other things, said, ‘ That as to what had been suggested about the peerage bill, that affair being yet depending in the other house, it was unparliamentary to take notice of it, before it came regularly before them: But that however, he would before-hand venture to say, that as it was a most gracious condescension in his Majesty, to suffer a branch of his royal prerogative to be restrained, in order to secure the liberty of Parliaments, so he doubted not, that when that bill came down to them, it would be unanimously approved. That as to the advices the King had communicated to his Parliament of the invasion with which his dominions were threatened, though it was unusual for the Sovereign to declare his intelligence, yet his Majesty had been most graciously pleased to tell them from whence he received his information. That therefore it would be want of respect, to question his Majesty’s intelligence; and he was sure no member of that house had authority to do it. That he hoped there was no great danger from the invasion with which they were threatened; but that it would be the highest piece of imprudence not to take all the necessary precautions to repel any insults from the *Spaniards*, and to defeat all the designs of his Majesty’s

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‘ jesty’s and the nation’s enemies, both at home
 ‘ and abroad. And as to the conduct of his Ma-
 ‘ jesty’s Ministers, on which the member who
 ‘ spoke last was pleased to reflect, if a motion
 ‘ were made for appointing a day to inquire into
 ‘ the same, he would readily second it.” After
 this, the motion before-mentioned, for an address
 to his Majesty passed into an unanimous resolu-
 tion, and without losing time in drawing it up in
 form, it was farther resolved, That the said reso-
 lution be laid before his Majesty by the whole
 house; which being done accordingly, the next
 day the King was pleased to return this most gra-
 cious answer.

Gentlemen,

*I Take this address as a fresh instance of that duty
 and affection which you have so often expressed
 for my person and government. I trust in God it
 will enable me to defeat the designs of our enemies,
 and to provide effectually for what is dearest to me,
 the security and welfare of my people.*

The same day, the house of Peers attended also
 his Majesty with the following address.

Most gracious Sovereign,

The Lords
 address.

‘ **W**E your Majesty’s most dutiful and loyal
 ‘ subjects, the Lords spiritual and temporal
 ‘ in Parliament assembled, beg leave to return your
 ‘ Majesty our humble thanks for your most gra-
 ‘ cious speech from the throne, in which your Ma-
 ‘ jesty has been pleased to communicate to your
 ‘ Parliament, that you have received repeated
 ‘ advices from the Most Christian King of an in-
 ‘ tended invasion from *Spain* of your Majesty’s do-
 ‘ minions, in favour of the *Pretender* to your
 ‘ crown; and we do likewise beg leave to assure
 ‘ your Majesty, that this house will, upon this,
 ‘ and

‘ and all other occasions, stand by and assist your
‘ Majesty, with the utmost zeal, in support and
‘ defence of your sacred person and government,
‘ in opposition to all your enemies.

His Majesty’s answer was as follows :

My Lords,

‘ **I** Thank you kindly for this seasonable mark
‘ of your zeal for my person and government,
‘ which cannot fail of heartening our friends, and
‘ discouraging our enemies.’

On the 2^d of *April*, it being moved in the house of Lords to receive the report from the Committee of the whole house upon the bill for settling the *peerage* of *Great-Britain*, the same was put off to the 6th, when the amendments made to the said bill were agreed to, and the bill ordered to be ingrossed. But on the 14th, the day appointed for the third reading, a noble Lord in a very high station, observed, that this bill had made a great noise, and raised strange apprehensions ; and since the design of it had been so misrepresented, and so misunderstood, that it was like to meet with great opposition in the other house, he thought it adviseable to let that matter lie still, ’till a more proper opportunity : And thereupon the third reading of the said bill was put off to the 28th of that month.

April 18. The King came to the house of Peers, and the Commons being sent for up, and attending, his Majesty gave the royal assent to several bills, after which he was pleased to say,

My Lords and Gentlemen,

‘ I Have given directions to my Lord Chancellor to declare to you in my name, and in my own words, the causes of my coming this day to Parliament.’

Upon which the Lord Chancellor acquainted both houses, that he had received from his Majesty’s hands from the throne, his Majesty’s speech to both houses of Parliament, which he read, and is as follows, *viz.*

His Majesty’s speech to both houses.

‘ I Am now come to put an end to this session in which you have shewn many great and seasonable proofs of your duty and affection to my person and government, and of your care for the safety and welfare of your fellow subjects.’

‘ By the blessing of God on our endeavours, we have hitherto disappointed the ill designs of our enemies, who flattered themselves with success from our unhappy divisions.’

‘ We perceive by the rash and wicked counsels which have lately prevailed in the court of *Spain*, that the desperate and extravagant projects of one ambitious man, though not capable of giving fears to their neighbours, may occasion to them some expence and trouble.’

‘ That court being influenced by counsels, odious and destructive to the *Spaniards*, who find themselves neglected and oppressed, after having endeavoured to foment conspiracies and seditions both here and in *France*, and stooped to practices unusual, accompanied by manifestoes of a style unheard of among great Princes, has at last proceeded to acknowledge the *Pretender*.’

*

‘ As

‘ As this news has given great surprize to
‘ all *Europe*, I question not but it will be receiv-
‘ ed by every good *Briton* with indignation and
‘ contempt.

‘ It is our happiness, at this juncture, to find
‘ ourselves assisted by the greatest powers of *Eu-
‘ rope*, against an enemy that has no allies, but
‘ those who would betray the governments under
‘ which they live and are protected.

Gentlemen of the house of Commons,

‘ I thank you very heartily for the supplies
‘ you have granted me this year. The manner
‘ in which you have raised them without any
‘ new burden to my people, the great addition
‘ you have made to the funds for sinking the debts
‘ of the nation, the discharge of the *Exchequer*
‘ bills, and the provision you have made to pay
‘ whatever remains justly due to foreign states and
‘ Princes, are the strongest proofs of your wis-
‘ dom, as well as of your zeal for my service,
‘ and the good of your country. You may ob-
‘ serve I have hitherto been very cautious of mak-
‘ ing use of the power you have given me, to
‘ increase our forces by sea and land. If our ene-
‘ mies should oblige me to a greater expence, it
‘ shall be employed for your service. This is
‘ what the trust you repose in me requires at my
‘ hands, and what I owe to so dutiful and affec-
‘ tionate a house of Commons.

My Lords and Gentlemen,

‘ There being nothing more desirable at all
‘ times than a firm union between protestants, I
‘ reflect with satisfaction upon the law you have
‘ passed this session, which will, I hope, prove
‘ effectual to that purpose. As it is a signal in-
‘ stance of moderation and indulgence in our esta-
‘ blished church, so I hope it will beget such a

‘ return of gratitude from all dissenting prote-
‘ stants, as will greatly tend to her honour and
‘ security, both which I shall ever have near at
‘ heart.

‘ I have always looked upon the glory of a so-
‘ vereign and the liberty of the subject as insepa-
‘ rable ; and I think it is the peculiar happiness
‘ of a *British* King to reign over a free people.
‘ As the civil rights therefore and privileges of
‘ all my subjects, and especially of my two houses
‘ of Parliament, do justly claim my most tender
‘ concern, if any provision designed to perpetu-
‘ ate these blessings to your posterity remains im-
‘ perfect, for want of time, during this session
‘ maturely to discuss and settle matters of so great
‘ importance, I promise myself you will take the
‘ first opportunity to render my wishes for your
‘ happiness compleat and effectual, and to strength-
‘ en the union, which is of so much consequence
‘ to the welfare of this kingdom.

‘ If the circumstances of my affairs shall allow
‘ of my going abroad this summer, I shall take
‘ the same care of your interest as if I remained
‘ here. The many negotiations which will be on
‘ foot to restore the peace of the *North*, in which
‘ the trade and tranquillity of this kingdom may
‘ be very much concerned, will make my presence
‘ there of great use to these my dominions : And
‘ as in that case I design, by the blessing of God,
‘ to meet you early next winter, I will only re-
‘ commend to you most earnestly, that, laying
‘ aside all animosities, you would, in your several
‘ countries and stations, use your utmost endea-
‘ vours to preserve the public peace, and see a due
‘ execution of the laws.’

Afterwards the Lord Chancellor, by the King’s
command declared the Parliament prorogued to
the 19th of *May* following.

On the 23^d of November the Parliament of Great-Britain being met at *Westminster*, the King went to the house of Peers with the usual state and solemnity, and the Commons being sent for up and attending, the Lord Chancellor, by his Majesty's command, read the following speech to both houses :

My Lords and Gentlemen,

‘ THE satisfaction with which I always meet
 ‘ you, is very much increased at this time;
 ‘ when it has pleased Almighty God so to strength-
 ‘ en the arms of *Great-Britain*, and our confede-
 ‘ rates, and so to prosper our several negotiations,
 ‘ that, by his blessing on our endeavours, we may
 ‘ promise ourselves to reap very soon the fruits of
 ‘ our successes. I am persuaded it will be account-
 ‘ ed by all my good subjects, a sufficient reward for
 ‘ some extraordinary expence, that all *Europe*, as
 ‘ well as these kingdoms, is upon the point of be-
 ‘ ing delivered from the calamities of war by the
 ‘ influence of *British* arms and counsels. One
 ‘ protestant kingdom has already been relieved by
 ‘ our seasonable interposition ; and such a foundation
 ‘ is laid by our late treaties for an union amongst
 ‘ other great protestant powers, as will very much
 ‘ tend to the security of our holy religion.

The King's
speech to
the Parlia-
ment at the
opening the
session.

‘ I believe you cannot but be surprized at the
 ‘ continuation of a war, where our enemies have
 ‘ nothing to hope, and so much to fear. It is, in-
 ‘ deed, difficult to frame any judgment of those
 ‘ counsels, which have broke out of late in so ma-
 ‘ ny rash and ill concerted measures. If they
 ‘ depend upon our divisions at home, I doubt
 ‘ not but in a very short time, their hopes, found-
 ‘ ed upon this expectation, will prove as vain and
 ‘ ill grounded as any of their former projects.

‘ In congratulating with you on this happy pos-
 ‘ ture of affairs, I must tell you, that as I have

‘ been very just and faithful to my engagements, so
 ‘ I have met such frank and powerful returns of
 ‘ assistance from my allies, as will, I doubt not,
 ‘ establish a lasting friendship among us.

Gentlemen of the house of Commons,

‘ You will see by the accounts I have ordered to
 ‘ be delivered to you, how moderate a use I have
 ‘ made of the power entrusted with me to aug-
 ‘ ment my forces by sea and land. I depend up-
 ‘ on the eminent duty and affection you have al-
 ‘ ways shewn to my person and government, that
 ‘ you will be vigorous in dispatching the necessary
 ‘ supplies for the year : To which purpose I have
 ‘ ordered the estimates to be laid before you. And,
 ‘ at the same time, I must desire you to turn your
 ‘ thoughts to all proper means for lessening the
 ‘ debts of the nation.

My Lords and Gentlemen,

‘ You all must be sensible of the many unde-
 ‘ served and unnatural troubles I have met with
 ‘ during the course of my reign. Our divisions at
 ‘ home have been magnified abroad, and by in-
 ‘ spiring into some foreign powers a false opinion
 ‘ of our force, have encouraged them to treat us
 ‘ in a manner which the crown of *Great-Britain*
 ‘ shall never endure while I wear it. The trouble
 ‘ and expence which this hath brought upon us,
 ‘ have been the most loudly complained of by those
 ‘ who were the occasion of them. But with your
 ‘ assistance I have hitherto got through all these diffi-
 ‘ culties, and by the continuance of your help, I hope
 ‘ very soon to overcome them, since the hand of
 ‘ God hath so visibly been with us in all our un-
 ‘ dertakings.

‘ If the necessities of my government have some-
 ‘ times engaged your duty and affection to trust
 ‘ me with powers, of which you have always with
 ‘ good

‘ good reason been jealous, the whole world must
 ‘ acknowledge they have been so used, as to justify
 ‘ the confidence you have reposed in me. And as
 ‘ I can truly affirm, that no Prince was ever more
 ‘ zealous to increase his own authority, than I am
 ‘ to perpetuate the liberty of my people, I hope
 ‘ you will think of all proper methods to establish
 ‘ and transmit to your posterity the freedom of our
 ‘ happy constitution, and particularly to secure that
 ‘ part which is most liable to abuse. I value my-
 ‘ self upon being the first who hath given you an
 ‘ opportunity of doing it ; and I must recommend
 ‘ it to you, to compleat those measures which re-
 ‘ mained imperfect the last session.

‘ So far as human prudence can foretell, the un-
 ‘ animity of this session of Parliament must establish,
 ‘ with the peace of all *Europe*, the glory and trade
 ‘ of these kingdoms on a lasting foundation. I
 ‘ think every man may see the end of our labours.
 ‘ All I have to ask of you, is, that you would agree
 ‘ to be a great and flourishing people, since it is the
 ‘ only means by which I desire to become a happy
 ‘ King.’

As soon as the King was withdrawn, and the Commons returned to their house, the Duke of *Manchester* made a motion for an address of thanks and congratulation to his Majesty ; and being seconded by the Earl of *Holderness*, the same was unanimously agreed to, the Archbishop of *Canterbury* only desiring that a clause might be added to the said address, to acknowledge his Majesty’s seasonable interposition in favour of the protestants abroad, which was readily complied with.

An address
 of thanks
 voted by the
 house of
 Lords.

At the same time, the earl of *Hertford*, son to the Duke of *Somerset*, made the following motion in the house of Commons, viz. ‘ That an humble address be presented to his Majesty, assuring him of the unspeakable joy of this house upon
 ‘ his

‘ his safe return to these his kingdoms, and of the
 ‘ just and grateful sense which his Commons have
 ‘ of his unwearied labours for their welfare and the
 ‘ security of the protestant religion. Heartily to
 ‘ congratulate with his Majesty on the success of
 ‘ the *British* arms, and to return the thanks of this
 ‘ house in the most dutiful manner, for such mea-
 ‘ sures taken by the influence of *British* counsels,
 ‘ as afford the nearest prospect of a general peace
 ‘ abroad, and of enjoying with glory the benefits of
 ‘ trade and tranquillity.

‘ That this house will, by their vigorous resolu-
 ‘ tions for the support of his Majesty’s govern-
 ‘ ment, and in dispatching the supplies, convince
 ‘ all the world, that if our enemies have conceived
 ‘ any hopes from our divisions at home, this hath
 ‘ been the vainest of all their projects ; and they
 ‘ will enable his Majesty, in concert with his good
 ‘ allies, effectually to support and perfect those just
 ‘ and equitable measures which have been taken to
 ‘ establish a general peace.

‘ That this house will apply themselves to find
 ‘ out the best means for lessening the debts of the
 ‘ nation and supporting the public credit, and will
 ‘ concur in all proper methods to establish and pre-
 ‘ serve the freedom of our happy constitution, for
 ‘ which his Majesty hath given so many tender
 ‘ proofs of his care and affection.’ Tho’ this mo-

A motion for
 an address
 debated in
 the house of
 Commons.

tion was carried without dividing, yet did it not
 pass without opposition. Among the rest Mr.
Shippen made a pretty long speech, wherein, in par-
 ticular he said, ‘ That no man was more ready
 ‘ than himself to concur in giving his Majesty un-
 ‘ feigned assurances of the zeal and affection of that
 ‘ house to his person and government, in returning
 ‘ him thanks for his care and endeavours to pro-
 ‘ cure the tranquillity of *Europe*, and in congratu-
 ‘ lating his safe return amongst us ; but he could
 ‘ not forbear observing that his Majesty’s speech
 ‘ contained

‘ contained many heads, of a different nature, and
‘ of great importance ; and as he remembered that
‘ this house had formerly been reflected on for ap-
‘ proving the measures of the ministry by the
‘ lump, and without knowing what those measures
‘ were, he therefore was of opinion, they ought
‘ to proceed with caution in this juncture, the ra-
‘ ther because mention was made in his Majesty’s
‘ speech, of a thing of the highest consequence,
‘ viz. the altering some part of our constitution ;
‘ that ’twas plain enough that thereby was meant
‘ the bill of peerage ; but it was surprizing, that
‘ this affair should be brought again upon the
‘ stage, after it had miscarried the last session in
‘ the other house, and that the major part of this
‘ house had expressed such an aversion to it ; con-
‘ cluding with a motion to congratulate his Ma-
‘ jesty upon his safe return, and to give him thanks
‘ for part of his speech, and appoint a day to
‘ take the rest into consideration.’ Mr. *Herne* se-
conded Mr. *Shippen*, but Mr. *Hungerford* fore-
seeing, that if the house should divide, a negative
was like to be put upon Mr. *Shippen*’s motion,
said, ‘ That addreses of this nature were but custo-
‘ mary compliments ; but he hoped that in the
‘ course of this session they should have opportu-
‘ nities enough to inquire into the grievances of the
‘ nation, and the conduct of the ministry ; that as
‘ to the bill of peerage in particular, since the court
‘ seemed to have it at heart, he doubted not but it
‘ would soon pass the other house, and be sent down
‘ to them, and then, and no sooner, he hoped to see
‘ a great division in that house.’ Hereupon Mr.
Shippen wayed this motion, and the next day No-
vember 24, both houses each in a body, presented
their respective addreses to his Majesty : That of
the Lords is as follows.

The Lords
address.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in Parliament assembled, beg leave to congratulate your Majesty on your safe and happy return to this kingdom, and upon the great success with which it has pleased God to bless the wise measures taken by your Majesty to procure and establish peace in *Europe*.

It is with the utmost pleasure and satisfaction, that we see the present happy union between your Majesty and the other great protestant powers, which does so visibly tend to the security of our holy religion; and we desire to express the deep sense which we have of your Majesty's seasonable interposition for the poor persecuted protestants abroad; and we humbly beseech your Majesty, that you would be pleased to continue your powerful protection and offices in favour of them.

We also beg leave to assure your Majesty, that we will, to the utmost of our power, stand by and support your Majesty in the prosecution of such measures as you shall think farther necessary to take, for the compleating the great ends your Majesty has in view, for the security, trade, and glory of these kingdoms, and the general tranquillity of all *Europe*; and we promise ourselves, that the whole world will soon be convinced, with how little foundation the enemies of your Majesty and your kingdoms have flattered themselves to reap any benefit from our intestine divisions.

We should be wanting in our duty to your Majesty and our country, if we did not return your Majesty our most hearty thanks for that tender and unprecedented care and concern your Majesty has been pleased to express in your most gracious speech from the throne, for the liberties of your people, and the freedom of our happy constitution,

‘ tion, which must necessarily draw all suitable re-
 ‘ turns of the utmost gratitude from all your Maje-
 ‘ sty’s faithful subjects, who have a true value for
 ‘ such inestimable blessings.’

The King’s answer.

My Lords,

THE sense you express in this dutiful address The King’s answer.
 of my endeavours for the common good, is most ac-
 ceptable to me. The assurances of your support will very
 much contribute towards bringing about the great and
 good ends we have in view ; and you may depend upon
 the continuance of my best offices, every where, in behalf
 of the protestant cause and interest.

The address of the house of Commons was as follows.

May it please your Majesty,

‘ **W**E your Majesty’s most dutiful and loyal The Com-
 ‘ subjects, the Commons of Great-Britain in mons ad-
 ‘ Parliament assembled, do return our most unfeign- drefs.
 ‘ ed thanks to your Majesty for your most gracious
 ‘ speech from the throne, and assure your Majesty,
 ‘ that our hearts are filled with unspeakable joy up-
 ‘ on your safe and happy return to these your king-
 ‘ doms, and with the most just and grateful sense of
 ‘ your unwearied labours for our welfare, and the
 ‘ security of the protestant religion.

‘ We heartily congratulate with your Majesty on
 ‘ the success of your *British* arms, and return the
 ‘ thanks of this house, in the most dutiful manner,
 ‘ for such measures taken by the influence of *British*
 ‘ counsels, as afford the nearest prospect of a general
 ‘ peace abroad, and of enjoying with glory the bene-
 ‘ fit of trade and tranquillity.

‘ And

‘ And we crave leave to assure your Majesty,
 ‘ that we will, on our parts, by the vigour of our
 ‘ resolutions, for the support of your government,
 ‘ and by the dispatch which we will give to the ne-
 ‘ cessary supplies, convince the world, that if our
 ‘ enemies have conceived any hopes from our di-
 ‘ visions at home, this hath been the vainest of all
 ‘ their projects. And we will enable your Majesty,
 ‘ in concert with your allies, effectually to support
 ‘ and perfect those just and equitable measures which
 ‘ have been taken to establish a general peace.

‘ And we farther assure your Majesty, that we
 ‘ will apply ourselves to find out the best means
 ‘ for lessening the debts of the nation, and support-
 ‘ ing the public credit, and will concur in all proper
 ‘ methods to establish and preserve the freedom of
 ‘ our happy constitution, for which your sacred Ma-
 ‘ jesty has given so many tender proofs of your care
 ‘ and affection.’

To this address the King was pleased to return the following answer :

Gentlemen,

The King's
 answer.

THIS loyal address deserves my best thanks. It contains the most dutiful and affectionate expressions to my person and government ; and you shall perceive my sense of them by the endeavours I will always use to procure your welfare and prosperity.

The peerage
 bill moved
 for in the
 house of
 Lords.

On the 25th of November the Duke of Buckingham brought into the house of Lords the bill of peerage, which was read the first time ; and being read a second time the next day, upon a motion that the same be committed, Earl Cowper said, ‘ That besides the reasons that induced him
 ‘ last session to be against this bill, he had now
 ‘ another that weighed no less with him than all
 ‘ the rest, viz. The earnestness with which it was
 ‘ recommended

‘ recommended, and the eagerness with which it
‘ was brought before them, at the beginning of a
‘ session ; that he had observed, both from histo-
‘ ry and his own experience, that in affairs of
‘ moment, precipitation was ever dangerous, and
‘ in many cases, to be suspected ; and, for his
‘ own part, he could not help being of opinion,
‘ that if there were no secret meaning in this bill,
‘ some men would not be so pressing for it.’ To
this the Earl of *Sunderland* answered, ‘ That it
‘ could not with any justice be said, that any pre-
‘ cipitation had been used in this affair, since the
‘ bill in question had been brought in the last
‘ session, and then thoroughly examined ; so that
‘ he doubted not but every member of that house
‘ was fully apprized of it, and ready to give his
‘ vote for or against it : That the reason why it
‘ was brought in so soon at this time, he conceiv-
‘ ed to be, that it might give no interruption to
‘ the other important affairs, which the King
‘ had recommended to his Parliament : And as
‘ for any secret meaning in this bill, his Lordship
‘ solemnly declared, that he knew of no other,
‘ but what his Majesty had been pleased graci-
‘ ously to intimate in his speech, *viz.* The secur-
‘ ing the freedom of our constitution, by prevent-
‘ ing, for the future, the abuse of one branch of the
‘ royal prerogative, of which they had a fatal in-
‘ stance in the last reign, and which had given
‘ just offence, and terrible apprehensions to all
‘ sober men.’ To this it was replied, ‘ That if
‘ it was foreseen that bill might interrupt the
‘ other important affairs, it had been advisable
‘ to keep it ’till the middle, or towards the end
‘ of the session, and to begin with the King’s busi-
‘ ness.’ But the Duke of *Buckingham* compromised
the matter, by saying, ‘ That, for his own part, he
‘ apprehended no danger from this bill, and if it
‘ was attended with any inconveniencies, as all hu-
‘ man

‘ man affairs are apt to be, time would discover it ;
 ‘ and then, as in all other cases, they might apply a
 ‘ remedy to it. As to the time of bringing it in,
 ‘ his Grace thought it no material objection, since
 ‘ this house had no other business to go upon : But
 ‘ that he foresaw, that whatever dispatch they made
 ‘ in that bill, it would not get so quick a passage in
 ‘ the other house.’ Hereupon the bill was committed to a Committee of the whole house, who went through it the next day ; and on *Saturday* the 28th, the Earl of *Clarendon*, Chairman of that Committee, having made his report, the same was agreed to, and the bill ordered to be ingrossed. On the last day of this month, the Lords read the said bill the third time, and ordered it to be sent down to the Commons ; but they happening to be up, it was deferred to the next morning.

Dec. 1. Upon a message from the Lords, by the Lord Chief Justice *King*, and Lord Chief Baron *Bury*, that the Lords had passed a bill, intituled, *An act for settling the Peerage of Great-Britain*, to which they desired the concurrence of the Commons, the said bill was read the first time, and a motion being made that the said bill be read a second time the *Friday* next ensuing, the same was opposed by a great many members, who moved, That this important affair might be put off to a longer day, *viz.* to *Tuesday* the 18th of this month, which last motion, after a long and warm debate, was carried by a majority of 203 voices against 158.

Pamphlets
about the
Peerage-bill.

While the bill of Peerage was depending, several pamphlets relating to that affair, printed during the last session, were revived, and new ones published.* The first, among the latter, was intituled, *An account of*

* The most remarkable among these, was one wrote by the late Lord Chancellor of *Ireland*, Mr. *West* ; but this pamphlet being too long to be brought into the body of the work, is inserted in the *Appendix* to this volume.

the conduct of the Ministers, with a relation to the Peerage bill, in a letter to a friend in the country. After a pretty long preamble the Author observes, ‘ That the material considerations relating to the *Peerage* bill lie in a very narrow compass ; Did the bill tend to the detriment of the constitution in general ? Would it have confirmed or subverted the liberties of the people ? Would it have prevented the future abuse of the prerogative in creating Peers ? Would it have diminished the privileges of the Commoners, or have given any new power to the Lords ? Would it have tended naturally to settle, or to unsettle the minds of self-interested and ambitious men ? And lastly, Were the evils apprehended as probable and as numerous, as the advantages hoped for from the bill ? These are the proper questions, which a lover of his country should have put to himself on this occasion ; and not, whether the bill was agreeable or disagreeable to the persons, who were intrusted with the management of our affairs.

‘ If then, Sir, upon a review of the principal arguments urged from the right and the left in this controversy, you will catechise your self in this manner, I make no doubt, but you will have more reason, than ever, to wish the Peerage bill had taken effect. Having thus let you into the method of judging, by which I determined my own opinion in this pamphlet scuffle, I need not give my self the trouble of recapitulating the opposite reasons, with which the press daily teemed : You have the several pieces and papers, and you have leisure to sort the arguments, and weigh them one by one : Remembring still, that one evident substantial reason will outweigh a thousand precarious surmises cast into the opposite balance.

‘ I come now to the second part of your enquiry, which is more intricate than the former : Ne-

‘ vertheless, I believe I shall be able to account for
 ‘ the abortiveness of this bill, which to you and your
 ‘ neighbours seemed very desirable in many respects.

‘ First then, let us suppose the project of the
 ‘ *Peerage-bill* to have been good and advantageous
 ‘ to the community; and that it manifestly appeared
 ‘ in this light at first to the men of penetration.
 ‘ This consideration alone was sufficient to raise a
 ‘ powerful opposition against it from two different
 ‘ parties. You know, the enemies of the present
 ‘ government are not few in number; and it is al-
 ‘ ways to be expected from such a faction, that
 ‘ they will be industrious to raise a clamour to ob-
 ‘ struct all designs that may tend to the good of the
 ‘ subject, and the glory of the Prince, that so the
 ‘ Protestant succession (as far as lies in their power)
 ‘ may seem to be no mighty blessing even to a Pro-
 ‘ testant nation. But besides the forces from this
 ‘ quarter, who took up arguments against the bill,
 ‘ there came in a considerable body of Allies to as-
 ‘ sist them, not upon the principle of disaffection to
 ‘ the government, but out of hatred to the present
 ‘ Ministers. I believe it may be truly said, there
 ‘ never was a ministry, whose adversaries were not
 ‘ more industrious to overthrow them, than their
 ‘ friends were vigilant and zealous to support
 ‘ them: And this may be affirmed more no-
 ‘ toriously of our present statesmen, because a late
 ‘ defection has not a little contributed to encourage
 ‘ their adversaries, and to dishearten their friends:
 ‘ Now again, supposing the intended bill to have
 ‘ been a master stroke in sound politics, do we not
 ‘ know the unreasonable resentments of angry cour-
 ‘ tiers sufficiently, to be persuaded, that they will
 ‘ not scruple to obstruct any advantage to the pub-
 ‘ lic, which they think may turn to the honour and
 ‘ establishment

‘ establishment of a set of men, whose employments
‘ they covet?

‘ In the second place, I am to inform you, that
‘ many persons, well intentioned to the government,
‘ and amongst them, several who entertained a fa-
‘ vourable opinion of the ministry, were strongly
‘ prepossessed against the bill, even before they
‘ knew one clause in it. It was easy to observe the
‘ mighty and sudden ferment; which on this occa-
‘ sion was raised throughout the town: By which
‘ artifice, hundreds of warm superficial reasoners
‘ were drawn in to declare themselves openly against
‘ the bill, in the most positive manner; and thereby
‘ so far to engage their honour and their judgment,
‘ that they could not retract, nor even moderate
‘ their assertions without incurring the suspicion of
‘ having trafficked with some court-brokers. Others
‘ (no doubt) joined in the prevailing outcry, because
‘ they imagined their ambitious desires were in dan-
‘ ger to be precluded: And some, perhaps, who
‘ could have no hopes of being Lords themselves,
‘ were influenced by certain persons, who feared
‘ they might lose the perquisites of procuring titles
‘ for such as were willing to pay any price for
‘ them.

‘ To these obstructions it will be proper to add,
‘ that several things happened, not long before the
‘ bill was brought into the house of Lords, with
‘ which many zealous friends of the government
‘ were not a little dissatisfied, and for which in their
‘ hearts they reproached the ministry, and conse-
‘ quently were the more ready to discourage them
‘ in their new project. Neither had the Ministers
‘ condescended to advise with their friends concern-
‘ ing their scheme: Whereas, in an affair of so great
‘ importance, it had been prudent to obviate their
‘ surprize, and to prepare their minds, so as to se-

‘ cure their assent by proper reasons : An oversight,
‘ which the adversaries of the bill made no small ad-
‘ vantage of, by insinuating, that there must be some
‘ latent mischief in the designs of our statesmen,
‘ from the great secrecy, which appeared in their
‘ proceedings.

‘ Now, Sir, I doubt not but you will think these
‘ concurring circumstances were sufficient to stifle
‘ the most hopeful project, in a divided nation, and
‘ in this age of corruption ; when most men in their
‘ different parties, act by the motives of either pas-
‘ sion or interest.

‘ But, there were yet more difficulties, which
‘ contributed to this shameful defeat ; some of
‘ which I shall briefly mention for your farther
‘ satisfaction. Some of the most noted *Tories* (for
‘ what reasons they best know) declared for the
‘ bill ; which made several well meaning *Whigs*
‘ suspect there was some sinister design at the bot-
‘ tom. There was likewise too great a majority in the
‘ house of Lords for it ; which alone greatly en-
‘ creased the jealousy of the Commons ; and this
‘ very argument was artfully urged by all the oppo-
‘ sers of the bill. Besides, never was any proposal
‘ so ill timed : At that very juncture, we were
‘ threatened, and very much alarmed with an inva-
‘ sion from *Spain* : And the general opinion was,
‘ that it was the most *perverse management* to give a
‘ handle of debating and wrangling amongst our-
‘ selves, ~~when~~ we stood in danger of a foreign ene-
‘ my, who depended on the strength and assurances
‘ of a number of our own disaffected people.

‘ All these considerations, put together, make
‘ me (who have no great faith in statesmen) apt to
‘ imagine, that the Ministers themselves were not
‘ so sincere and earnest in the work, as they seemed
‘ to be : Wherefore else these manifest oversights in
‘ the conduct of this mighty affair ? They might
‘ (for

‘ (for aught we know) offer it only as a seemingly
 ‘ popular and disinterested bill ; or perhaps to free
 ‘ themselves from the importunities of many Com-
 ‘ moners, that insisted upon coming into the upper
 ‘ house, for their services in the lower. You, who
 ‘ have wasted the most active season of your life
 ‘ about the court, will not think these surmizes ex-
 ‘ travagant : And for my part, I shall not be abso-
 ‘ lutely convinced of the sincerity of the ministry in
 ‘ this particular, till such time as they shall resume
 ‘ the bill, and concert their measures better, to
 ‘ make it effectual : For which service they would
 ‘ highly merit the thanks of every honest unambi-
 ‘ tious *Englishman* ; since such an act of Parliament
 ‘ (I am with you persuaded) would prove the great-
 ‘ est security to our genuine and ancient constitution ;
 ‘ and the giving of the royal assent to it would be
 ‘ not only the greatest, but the wisest instance of
 ‘ condescension and goodness, that ever came from
 ‘ the Throne.

I am, S I R, &c.

S. T.

To this letter was tacked the following paper.

*The Moderator in the present controversy re-
lating to the Peerage-bill.*

‘ **I** Have heard, and I have read (I believe) every
 ‘ argument, that has been urged on both sides in
 ‘ the general debates on the Peerage-bill : And, be-
 ‘ cause the disputants of either party seem to give
 ‘ themselves up to prepossessions, and to disregard
 ‘ the rules of fair reasoning (no uncommon over-
 ‘ sight in controversies on affairs of state) I hope it

‘ will not be taken amiss, if I attempt to suggest
 ‘ some considerations, which may enable them to
 ‘ canvass the question like logicians; unless the con-
 ‘ tending patriots should think, that impartiality
 ‘ may warp the judgment of politicians.

I. ‘ Let popular clamour (which ever way it
 ‘ drives) be thrown out of the argument, since it
 ‘ veers like the wind, and may be influenced by
 ‘ many open and secret methods; Then, it is as
 ‘ often known to blow full against truth, as in the
 ‘ teeth of error.

II. ‘ Let the approbation of a court be likewise
 ‘ thrown out of the argument; for when a project
 ‘ seems to be countenanced by a ministry, may not
 ‘ the opposition raised against it be supposed to pro-
 ‘ ceed as naturally from ill-will towards the Mini-
 ‘ sters, as from good-will towards the public?
 ‘ More especially since the late notorious divisions
 ‘ amongst the *Whigs*.

III. ‘ Every proposal which has the appearance
 ‘ of novelty, is at first received with great partiali-
 ‘ ty; whereas in time (if no artifices are used) it
 ‘ generally loses or gains in the opinions of honest
 ‘ men according to its intrinsic merit.

IV. ‘ A new proposal is apt to awaken our hopes
 ‘ and our fears, according as it is represented: But
 ‘ with this difference, that our fears (when we are
 ‘ in no desperate condition) are much stronger than
 ‘ our hopes; and that it is much easier to alarm us
 ‘ with apprehensions of inconveniences, than to
 ‘ quiet us with the prospect of advantages.

‘ Having thrown these reflections in the way, to
 ‘ hinder the parties concerned from arguing hereaf-
 ‘ ter

‘ ter on full speed, I proceed to some observations
‘ on the management of the present debate.

I. ‘ Most of the arguments on both sides, disin-
‘ terestedly considered, are but surmises, a sort of
‘ syllogistical predictions. The combatants against
‘ the bill suggest fears and dismal apprehensions ;
‘ those for the bill ply us with hopes and comfortable
‘ consequences ; and both seem to proceed upon
‘ probability in their surmises. But then, we are not
‘ aware, how we suffer our reason to be over-born
‘ by an improbable fear, against a probable hope.

II. ‘ Hence, by artfully engaging men by the
‘ stronger passion, when this controversy was first
‘ set on foot ; the volunteers against the bill came
‘ in readily, and appearing much superior to their
‘ antagonists in number, triumphed with little op-
‘ position.

III. ‘ When the debate was moved from the
‘ Coffee-houses to the press, the opposers of the bill
‘ wasted the first paper, and gained a second tri-
‘ umph ; till the minority thus shamefully baffled,
‘ at last took courage, and made a stand with no ill
‘ success, considering they had lost the advantage of
‘ the first, and even second blow.

‘ From these remarks, one may suspect, that the
‘ arguments for the bill will not, for the present, meet
‘ with fair play without doors, because they were
‘ generally condemned before they were known.
‘ The last appeal therefore for equity must be to the
‘ house of Commons ; where the hopes, the fears,
‘ the white and the black surmises, will find admit-
‘ tance on the same day ; and each have a hearing
‘ interchangeably.

‘ If surmises be allowed to pass for proofs, whether the number of Peers be limited, or remains unlimited, there may on both sides, be suppositions of a forbidding aspect started with seeming probability ; as it happens in all important cases, where there is a scope for invention, and much may be plausibly urged on either hand. Thus it was in the last bill relating to the dissenters ; and thus in the arguments for and against reducing the forces ; the latter of which, it was easy to foresee, would prove a very unthrifty expedient for saving the public money.

‘ The present question has been split into so many considerations by both parties, that it cannot clearly be decided, but by stripping it of less material inquiries, till the principal point is first determined. Now the principal point to be considered is, whether the constitution will be endangered more manifestly hereafter, by leaving the Peerage entirely unlimited, or by limiting it under proper restrictions : Herein lies the whole stress of the debate, and to avoid running it into a tedious argument, and into subtilties, which only perplex the judgment, it is plain, that if the crown goes on to augment the number of Peers, the constitution will in a few years more be manifestly endangered, if not subverted ; but on the other hand, it is not plain, that if the number of Peers be limited, the constitution will be either manifestly endangered or subverted hereafter, by means of the limitation : The conclusion therefore, which follows, is, that by limiting the number of Peers a positive evil will be prevented, and no positive evil (unless surmises can be positive) is urged against a limitation.

‘ Since I have taken upon me to be only a *Moderator* in this controversy, I shall detain the reader but with two reflections more, which have in them no intricacy, and are proper to moderate the opinions

‘ nions of those, who desire to judge impartially of
 ‘ the consequences of passing or rejecting the bill
 ‘ now in agitation.

‘ As soon as the house of Lords went upon taking
 ‘ into their consideration the state of the Peerage,
 ‘ and the intended bill thereupon became the sub-
 ‘ ject of conversation every where, how warmly
 ‘ did most gentlemen talk against it? Every man’s
 ‘ passion betrayed the secret ambition of his heart,
 ‘ and manifested the strong desire the Commons
 ‘ universally have of becoming Peers. Is it not
 ‘ then time, nay, is it not absolutely necessary to
 ‘ check, and even to kill this growing humour?
 ‘ and this (I believe) cannot be effectually done by
 ‘ any other expedient, but properly limiting the
 ‘ number of Peers.

Lastly, ‘ While this humour prevails I need not
 ‘ labour to prove, that many of the wealthy mem-
 ‘ bers, and the young aspiring gentlemen in the
 ‘ house of Commons, will in all their views, be per-
 ‘ petually pushing up to the house of Lords; and
 ‘ consequently may be easily biassed in affairs which
 ‘ ought to be their principal care; for it has, and
 ‘ will hereafter often come to pass, that asserting the
 ‘ rights and privileges and interests of the people,
 ‘ is not the most infallible method of obtaining a
 ‘ Peerage.’

This last reason was more favourably urged in another pamphlet, published about the same time, intitled, *Considerations on the Peerage-bill, addressed to the Whigs, by a member of the Lower house.*

The Author, after a short introduction, proceeds,

In the first place, to state the objections which are generally made against passing the *Peerage-bill*; and to give answers to them as follows,

*

Object.

Object. I. ‘ The first and great objection is, That
 ‘ *it would be a breach of our constitution*, which ought
 ‘ to be kept sacred and inviolable.

‘ ‘Tis absolutely necessary to understand in what
 ‘ sense the word *breach* is here made use of : Other-
 ‘ wise this objection will amount to no more than a
 ‘ mere idle, popular way of speaking ; which in the
 ‘ more large and comprehensive sense of the word,
 ‘ may be strictly true ; and yet in the common ac-
 ‘ ceptation of it, may be entirely false : This way of
 ‘ argument may serve in a pulpit, or any other
 ‘ place, where no body is at liberty to contradict,
 ‘ or to ask for an explanation ; but will never pre-
 ‘ vail in print, or in any assembly, where every one
 ‘ is equally at liberty to speak his thoughts, or to
 ‘ give an answer. It may serve to halloo on an un-
 ‘ thinking giddy mob, against a set of people one
 ‘ does not like ; but it will never influence gentlemen
 ‘ of sense and consideration, in so great a point as
 ‘ this is, unless it will allow of an explanation. Any
 ‘ private man, nay, I *think* the King himself, act-
 ‘ ing in opposition to any known law of the land,
 ‘ is guilty of a *breach* of that law : But should King,
 ‘ Lords, and Commons, agree in an alteration of
 ‘ any law, no body would call that a *breach* of it.
 ‘ So whoever has taken the abjuration oath, and
 ‘ acts contrary to it, is guilty of a breach of that
 ‘ oath ; but should he be discharged from it by due
 ‘ course of law, he could no longer properly be said
 ‘ to break it. Let us therefore agree in a word
 ‘ which needs no explanation, and say, that such a
 ‘ bill as is now proposed, would be an *alteration* of
 ‘ the constitution. This puts an end to that migh-
 ‘ ty bugbear, which, I fear, frightens many people,
 ‘ and leaves us at liberty to debate calmly, whether
 ‘ such an alteration be expedient or not ?

‘ Our constitution is now very old, perhaps the
 ‘ oldest in the world ; (for arbitrary power, to which
 ‘ most

‘ most nations have been forced to submit, does not
‘ deserve the name of a constitution) but I am confi-
‘ dent it had never subsisted to this age, had not our
‘ predecessors always *altered* it, as the necessity of the
‘ times required; particularly by curbing and lessen-
‘ ing the prerogative of the crown, in those branches
‘ where it was, or most probably would be abused.
‘ But those alterations generally cost very dear before
‘ they were obtained. Not to go so far back as the
‘ Barons wars, to which we owe our *Magna Charta*,
‘ I shall only give two or three instances within the
‘ memory of many men living; one of which could
‘ never have obtained without a restoration, which
‘ was the consequence of a bloody civil war: Nor
‘ the others without a revolution, which also was oc-
‘ casioned by the arbitrary government of a bigot-
‘ ted prince. And all of them are owing to the
‘ abuses which were made of the regal prero-
‘ gative in the preceding reigns. The first I shall
‘ mention is the triennial act, which past in the reign
‘ of King *Charles* the II. by which the King is obli-
‘ ged to hold a Parliament once in the three years at
‘ least. This was a great *alteration* of the King’s
‘ prerogative, who might before have called a Par-
‘ liament, or not, just as he and his Ministers thought
‘ fit, and truly, his Father, *Charles* I. seemed to
‘ have very little inclination ever to do it, could he
‘ have prevailed with his people, either by persua-
‘ sion or force, to supply him with money his own
‘ way. This our wise predecessors took care to pre-
‘ vent for the future, by the very first opportunity
‘ they had.

‘ After the revolution, when all men were turn-
‘ ing their heads to prevent the necessity of another,
‘ they thought the regal power still too great, with
‘ regard to holding of Parliaments; and therefore
‘ passed another triennial *Act*, of a different nature,
‘ which determined the continuance of each Parlia-
‘ ment to three years likewise: So that now the
‘ King

‘ King was neither at liberty to call a Parliament at
 ‘ pleasure, nor to keep it if he liked it ; both of
 ‘ which were very ancient, and very great preroga-
 ‘ tives of the Crown.

‘ But there happened another very considerable al-
 ‘ teration in the regal power, soon after the revolu-
 ‘ tion ; so material to the authority and influence of
 ‘ the Crown, that even King *William*, that wise and
 ‘ good Prince, once (at least) refused his consent to
 ‘ it. I mean that act, by which the Judges, who
 ‘ before held their seats, *Durante Regis beneplacito*,
 ‘ were confirmed in them, *Quamdiu se bene gesse-*
 ‘ *rint*. King *James*, whose business was first to en-
 ‘ slave us and then to make us *Papists*, had prevailed
 ‘ with a set of sycophants, then upon the bench,
 ‘ to justify the dispensing power he affected, by
 ‘ their approbation ; and the worthy Patriots who
 ‘ had just then dethroned him for it, were resolved
 ‘ to lop that dangerous branch of the prerogative
 ‘ which helped to support him in it, and not to be
 ‘ frightened by the first refusal, even from their De-
 ‘ liverer.

‘ These instances will be sufficient to convince e-
 ‘ very thinking man, that every branch of the con-
 ‘ stitution is not at all times to be preserved *Sacred*
 ‘ and *Inviolable* ; nay, that sometimes it is not only
 ‘ expedient and advisable to make considerable *alte-*
 ‘ *rations* in it, but absolutely necessary for the pre-
 ‘ servation of the whole : Particularly, to defend the
 ‘ liberties of the people from the encroachment of
 ‘ the Crown, by an exorbitant use of the prerogative ;
 ‘ which alone makes our constitution valuable. I
 ‘ now proceed to consider those objections, which
 ‘ are made against the expediency of such an *altera-*
 ‘ *tion*.

Object. II. ‘ The next objection is, that this would
 ‘ give too great a power to the Peers ; that so small
 ‘ a number might easily agree to overturn the entire
 ‘ frame

‘ frame of government ; that ’twould be impossible
‘ for the King and Commons combined to resist
‘ them ; and that out of an apprehension of danger
‘ from the Crown, we poor Commoners should all
‘ become slaves to the Lords, and our constitution
‘ would dwindle into an Aristocracy.

‘ This again wants only an explanation, to make
‘ it appear in a very different light. It sounds very
‘ popular and plausible, that the Crown being limit-
‘ ed, and the number confined to the present Peer-
‘ age, must increase the power and weight of the pre-
‘ sent Peers. This I grant very readily, that it
‘ makes every individual Peerage, much more valua-
‘ ble : But I absolutely deny that it adds one tittle
‘ more to the aggregated body. Did the *East-India*
‘ and *South Sea* Company consist of a less number of
‘ proprietors, the dividend would certainly be great-
‘ er to each subscriber, but their weight and influ-
‘ ence with regard to the public, as a corporation,
‘ would be proportionably less. Surely Gentlemen
‘ can’t mean that their *legal* authority would be in-
‘ creas’d by it, because that, at first sight, must ap-
‘ pear false in fact. There is no addition made to
‘ any one branch of the authority they have at pre-
‘ sent, by any one clause of the bill proposed. Their
‘ voice in passing a law continues the same, their ju-
‘ dicature is neither granted nor confirmed, and in
‘ short, they are only left in possession of the privi-
‘ leges they now enjoy, without the least variation.
‘ Oh ! But we are told when once the Lords are sure
‘ the Crown cannot interpose by a fresh set of Peers,
‘ those in possession will not have any regard to what
‘ they may or may not do by law, but will obsti-
‘ nately adhere to their own will and pleasure, till
‘ they bring both King and Commons to comply,
‘ and so become our sole Lords and Masters them-
‘ selves. The contrary of which I think to be the
‘ apparent consequence of the bill proposed. Power
‘ will always follow property, and no body can de-
‘ ny,

ny, but had fresh supplies of rich Commoners been excluded from the upper House, the landed interest there, had by this time been very inconsiderable. The more we confine and streighten that supply, the less danger shall we be in from that part of the legislature; and the more wealth is continued among the Commoners, the greater will be the influence of the lower House. So that instead of this objection's being of any weight, it increases the ballance on the other side the question. I am one of those who have no apprehension of being a slave, but from the concurrence of the whole legislative Authority to make me so, and I think that is much more likely to happen, if matters continue as they are, than if the alteration proposed be agreed to. The Peers we now have (which are double the number within a few reigns) are able, either by their own absolute authority, or by interposing between two contending interests to chuse above one hundred and fifty members of the lower House; and I would not doubt to name at least that number, who in former Parliaments have owed their seats to their influence. Were the same proportion of increase to continue but a few years longer, 'twere easy for the Peers to elect a majority of the Commons: The Lords might concur with the measures of the King, to whom they owed their titles and their honour, and the Commons might be directed by those to whom they owed their seats in Parliament, and then both would conspire to make the remainder of the nation slaves to any succeeding King, who should wish to be absolute; while the poor people must submit with patience to the usurpation, for want of leaders to maintain their liberties, were they never so desirous to preserve them. This appears to me to be the undoubted consequence of continuing the present unlimited power of making Peers, and I declare for one, I am so far a commonwealth's man,
(the

‘ (the common name of reproach with which all
‘ Whigs are branded) that were I to make the fa-
‘ tal choice, I would rather be a slave to the collec-
‘ tive body of my countrymen, than submit to the
‘ capricious authority of a single arbitrary tyrant. I
‘ hope I have shewn sufficiently, that the freedom of
‘ the people is in much more danger, by *increasing*
‘ the number of Peers.

Object. III. ‘ I come now to an objection, not
‘ against the body of the bill, but against one parti-
‘ cular branch which seems to be inseparably link’d
‘ with it, and that is the part relating to the Peers of
‘ *North-Britain*, which we are told, is a breach of
‘ the Union. I must desire the reader to look to
‘ my remarks upon the first objection, and be per-
‘ suaded to call it an *alteration* of the Union, but
‘ not a breach of it. The wisest men on earth can’t
‘ pretend to form a law of the most trifling nature,
‘ so as to be adapted to continue to perpetuity; and
‘ the great King of the *Medes* and *Persians*, who
‘ made a decree for a few weeks which could not be
‘ altered, repented his rashness very severely, even
‘ in that short space of its continuance. The Union
‘ was formed by the ablest heads then within this
‘ island, and they were so far from supposing it pos-
‘ sible good government could long subsist upon the
‘ strength of laws then in being, or of such as they
‘ might at that time form, that they provided a pro-
‘ portionable number both of Lords and Commons,
‘ to sit in Parliament on the part of *Scotland*, to take
‘ care of the interests of that part of the united king-
‘ dom, for the time to come. They could not fore-
‘ see, what time hath since made too apparent, that
‘ the whole body of the *Scotch* Nobility would, at all
‘ times, be implicitly governed by the Court in the
‘ choice of their Representatives; nor that those Re-
‘ presentatives would always be intirely guided by
‘ the power that chose them. That has proved the
‘ case,

' case, and fatal it had like to have proved in the
 ' last reign to the whole community. And should
 ' any other article of the Union appear to me equal-
 ' ly dangerous to the whole, I would readily give
 ' my vote for the *alteration* of it. 'Tis an absurdi-
 ' ty to imagine any form of government, without an
 ' absolute authority lodged somewhere, to enact any
 ' new laws, and to alter the old ones in every in-
 ' stance where it appears necessary. That authority
 ' in *Great-Britain* is lodged in the legislature, and
 ' by virtue of it, they are equally intitled to alter
 ' this as any other known law of the land, whenever
 ' it shall appear necessary or expedient so to do ; by
 ' which consideration alone, every particular mem-
 ' ber of each House, ought to determine his own
 ' vote in this, as in all other cases. I know I shall
 ' be immediately told, that,

Object. IV. ' This is an injustice to the electing
 ' Peers of *Scotland*, giving away their right without
 ' their consent, and above all the rest, a notorious
 ' breach of trust in their representatives if they con-
 ' sent to it. I think what I mentioned in the last
 ' paragraph, that an absolute authority must be
 ' lodged somewhere, answers the first part of this ob-
 ' jection intirely : For what is done by such an au-
 ' thority cannot properly be branded with the name
 ' of injustice. But I will venture to go farther, and
 ' affirm it is not done without their concurrence, if
 ' the latter part of the objection be true, that their
 ' representatives are consenting to it. There is no
 ' maxim more known than that, *Qui facit per ali-*
 ' *um, facit per se*, which needs no application. If
 ' this had happened four years since, the gentlemen
 ' to whom I am writing would not have failed to
 ' have had this objection severely retorted on them,
 ' when they themselves voted for the septennial bill,
 ' by which they postponed their electors rights for se-
 ' ven years, which they had otherwise been intitled
 ' to

' to before this time. But the exigency of affairs,
 ' the good of the whole, and the full powers with
 ' which they were intrusted, was then their argu-
 ' ment and excuse. If it was a good one then, it
 ' is so still, and I am persuaded none of us do yet
 ' repent the vote we then gave. Doing it by con-
 ' sent of the *Scotch* Lords of Parliament, certainly
 ' obviates all that might have been otherwise
 ' alledged of the hardship it would be, if the
 ' *English* Lords and Commons should combine to-
 ' gether to injure the other part of the united
 ' kingdom, merely by virtue of their superior
 ' strength. As to the breach of trust in the con-
 ' senting *Scotch* Lords, the full powers with which
 ' they are intrusted, are their sufficient justification
 ' to act, in every instance, as they think best for
 ' the whole community. But I cannot forbear
 ' smiling, when I hear this breach of trust men-
 ' tioned by an *English* Commoner, as an argu-
 ' ment why he himself is against the bill. I beg
 ' leave to state a case I think directly parallel ;
 ' Suppose Mr. ———, or any other Gentleman,
 ' should possibly be chosen by the interest of a
 ' nonjuror, at the expence of the *Pretender*, and
 ' intrusted with the care of his concerns ; suppose,
 ' I say, such a one should possibly give a vote for
 ' the interest of his country and our present hap-
 ' py establishment : Could his breach of trust be
 ' of the least weight with me, or prevent my vot-
 ' ing the same way I always thought it my duty
 ' and interest to do ?

Object. V. ' Another objection is, that every
 ' commoner has a natural right of being made a
 ' Lord, if the crown think fit, and we rob our-
 ' selves and our posterity of their birth-right, by
 ' concurring in this bill.

' This indeed is a prevailing argument ; self-
 ' interest will always have its weight, and I fear
 ' may

‘ may have a great deal too much in the present
 ‘ case. But it is mere self-interest, void of all care
 ‘ or concern for the good of their country, in all
 ‘ those who are swayed by this objection *singly*,
 ‘ to oppose this bill ; and therefore this needs very
 ‘ little answer, since I fancy few people will be
 ‘ hardy enough to own it for their only reason.
 ‘ The extinctions which will probably happen,
 ‘ will be sufficient to reward those who can possibly
 ‘ have real merit enough to deserve peerage : Ba-
 ‘ ronies indeed will not be so plenty as to be la-
 ‘ vished away by the dozen, on those, who, per-
 ‘ haps, pay for them, or, because they are grown
 ‘ rich, think it beneath them to continue of a rank
 ‘ with those, who a few years since would not
 ‘ have made them their companions.

Object. VI. ‘ This bill is destroying the foun-
 ‘ dation of honour, which always ought to spring
 ‘ from the crown, and to flow without restraint
 ‘ wherever the Monarch pleases.

‘ To this I answer, that this bill is very far
 ‘ from destroying the fountain, or diverting the
 ‘ stream, it only confines it within bounds, and
 ‘ prevents its overflowing. The King is still the
 ‘ spring head, but it will indeed prevent the
 ‘ pouring out such a deluge as would soon drown,
 ‘ and destroy the whole community. If by this
 ‘ be meant, that it is an inviolable branch of the
 ‘ prerogative, I must again refer the reader to the
 ‘ answer to the first objection.

Object. VII. ‘ It sounds very odd to hear people
 ‘ in the same breath, make another objection di-
 ‘ rectly opposite to the former, and tell you, *The*
 ‘ *number of the Peers is already too great, and why*
 ‘ *will you give the King a power of making so con-*
 ‘ *siderable an addition at present ?* Let us put
 ‘ those

‘ those two objections together, and see how
‘ they will run. The King hath at present an un-
‘ doubted right of making as many Peers as he
‘ pleases, and it is unjust and unreasonable to take
‘ that power away ; but his Majesty is pleased, out
‘ of his great goodness, to offer to resign it for
‘ the future, therefore we ought to take it from
‘ him immediately, without allowing him to add
‘ one to the present number. This is our way of
‘ shewing our gratitude, and this is what has been
‘ always called the characteristic of *Englishmen*,
‘ never to know when we are well. It is like re-
‘ fusing an estate which a friend offers us in re-
‘ version, but we scorn to accept without his re-
‘ signing his present interest, though it proceeds
‘ from his generosity alone, that we can possibly
‘ have the least pretension to it either now or
‘ hereafter.

Object. VIII. ‘ The last objection I shall take no-
‘ tice of, is, *That this is a design merely calculated*
‘ *with a private view to support and establish the*
‘ *present ministry.* If it were true that this were
‘ the only consequence, and the only aim of this
‘ bill, I would heartily concur in the objection,
‘ and suppose it framed with some sinister view, to
‘ the prejudice of my country. But with me that
‘ is not the case, and I hope others will agree
‘ with me in the same sentiments ; that it is very
‘ unreasonable to oppose a thing, I otherwise think
‘ very advantageous to the public, merely because
‘ it may possibly contribute to the support of a
‘ ministry ; ministers who establish their interest
‘ upon such a foundation, as is at the same time
‘ highly for the interest of their country too, de-
‘ serve very well of all their fellow subjects : And
‘ while they follow such measures (which I approve,
‘ as a *Whig* ;) as tend to the support and esta-
‘ blishment of our religious and civil rights, so
‘ long

‘ long I will not be ashamed of concurring with
‘ them ; without fear of being called a tool, or a
‘ courtier.

‘ I cannot leave this head without observing,
‘ that should our present ministers have an incli-
‘ nation to do any thing, that would not well
‘ stand the test of a future enquiry, none of those
‘ who are enemies to the peerage-bill, could ever
‘ blame them, if they take care, while it is in
‘ their power, to provide a sufficient number of
‘ persons they can confide in, to be their judges.
‘ But the fact is, that since this ministry no Peers
‘ have been made : Whereas, had they been able
‘ to obtain his Majesty’s consent to the creation of
‘ two or three *per annum*, according to the prece-
‘ dents, and yet less than the proportion of their
‘ predecessors ; they might have clapped eight or
‘ nine more Peers already into the upper house ;
‘ they might still proceed in the same course, and
‘ without giving any fresh occasion of complaint,
‘ have obliged more of their friends than they
‘ have done. This plain piece of justice is due
‘ to them.

‘ Having examined the several objections, I shall
‘ add a very few words, to persuade Gentlemen to
‘ the reasonableness of passing such a bill, and par-
‘ ticularly at this time. The immediate occasion
‘ of this proposal is too fresh in every man’s me-
‘ mory to need to be repeated. At the latter end
‘ of the Queen’s reign, a ministry were got at the
‘ head of affairs, who were resolved, if possible,
‘ to keep there, at any rate ; though the welfare
‘ and liberty of their country, and the protestant
‘ succession, should be the sacrifice of their ambi-
‘ tion. That noble body of patriots, the Peers,
‘ at that time made a glorious stand against their
‘ pernicious designs, and the Earl of Oxford him-
‘ self might very probably have gone the next
‘ day to the tower, with his white staff in his hand
‘ had

‘ had not the Queen been prevailed upon to exert
‘ her unlimited power, in an unprecedented man-
‘ ner, by creating a dozen of Lords at a time, to
‘ prevent the censure of her favourite. This had
‘ the desired effect, and was very near bringing all
‘ their other schemes to perfection : But provi-
‘ dence interposed, and we are happy. I remem-
‘ ber very well, how loudly we all exclaimed a-
‘ gainst this exorbitant power, how zealously every
‘ one resolved to endeavour to prevent the like for
‘ the future, if it should ever be possible to do it .
‘ But few were sanguine enough to hope ever to
‘ see a King upon the throne so good and gra-
‘ cious, as to consent to the remedy ; much less to
‘ make an offer himself of so inestimable a jewel
‘ of the crown, merely out of love and affection
‘ to his people ; and out of a desire to transmit
‘ the enjoyment of our civil and religious liberties
‘ to our posterity, and to establish them for ever.
‘ His Majesty, with great reason, professes to va-
‘ lue himself on being the first who has made us
‘ such an offer, and we may with very good rea-
‘ son be afraid, that he may be the last from
‘ whom we can ever expect it. Then it was we
‘ first thought of what is now brought so near to
‘ perfection : The wished for opportunity is now
‘ come, and what shall we say in excuse for our-
‘ selves, if we refuse to lay hold on it.

‘ All that I have said has been as a commoner ;
‘ as one who expects to live and die such ; and
‘ with an earnest desire that that body of men, of
‘ which I am one, may be as considerable as they
‘ now have it in their power to make themselves.
‘ The vast number of Peers we have, and the con-
‘ stant daily additions to them, made it almost
‘ scandalous to continue a commoner. Every
‘ man of a great estate, however it were obtained,
‘ every man who appeared considerable in any
‘ profession, has of late years been pretty certain,

‘ by some means or other, of an advancement to
 ‘ the peerage. The passing of this bill will, I
 ‘ hope, streighten the door of the upper house,
 ‘ and make the entrance much more difficult.
 ‘ This will be a means of keeping Gentlemen of
 ‘ great fortunes, and great parts, longer among us ;
 ‘ and then I am confident the respect shewn to the
 ‘ Commons of *England* will be proportionably en-
 ‘ creased. This is my notion, and this I am con-
 ‘ fident will be the effect, if this bill passes into
 ‘ a law : Let who will imagine that none but the
 ‘ Lords will reap any advantage by it, till I am
 ‘ convinced by reason that it is so, I will venture
 ‘ to declare for one, that for the sake of the Com-
 ‘ mons, and meerly as a Commoner, *I shall give my*
 ‘ *vote for the Peerage-bill.*’

A debate in
 the house of
 Commons.
 concerning
 the peerage-
 bill.

December 7, an engrossed bill from the Lords, intituled, *An act for the settling the peerage of Great-Britain*, was read a second time ; and a motion being made by the Lord *William Powlet*, for committing the bill, which was seconded by Sir *Charles Hotbam*, the same occasioned a warm and long debate, which lasted from one o'clock in the afternoon till nine at night. The principal persons who spoke for and against the motion, were as follows : For committing the bill, Lord *William Powlet*, Sir *Charles Hotbam*, Col. *Morton*, Mr. *Hambden*, Mr. Secretary *Craggs*, Mr. *Plummer*, Mr. Attorney General, Mr. *Aislaby*, Sergeant *Pengelly*, and Mr. *Hungerford* ; against committing, Sir *Richard Steele*, Mr. *Pitts*, Sir *Wilfred Lawson*, Mr. *Horatio Walpole*, *William Wykes*, Esq; Sir *John Packington*, Mr. *Methuen*, Mr. *Herne*, Mr. *Tuffnel*, Mr. *Robert Walpole*, and *John Smith*, Esq;. Sir *Richard Steele*, who spoke first against the committing it, argued to the following purpose.

‘ That

‘ THAT he was against the bill, because he fear-
 ‘ ed it might change this free state into the worst
 ‘ of all tyrannies, that of an aristocracy, which is
 ‘ the most likely consequence to attend such a law
 ‘ as this would be : That the whole tenure of the
 ‘ bill is very unfortunately put together, if any
 ‘ thing, but an addition of power to the Peers, is
 ‘ intended by it : That all mankind must allow,
 ‘ that the only plausible reason for this law, was
 ‘ what happened in the last reign, when twelve
 ‘ Peers were made in one day ; but the preamble
 ‘ assigns no such reason, but says, That sixteen
 ‘ Peers of *Scotland*, by reason of many new crea-
 ‘ tions since the union, are not a sufficient and
 ‘ proportionable representative of that nobility ;
 ‘ and therefore they shall hereafter not be repre-
 ‘ sented at all ; but a thing *much more suitable to*
 ‘ *the peerage of Scotland* ought to be done for
 ‘ them, to wit, that twenty five of them should,
 ‘ at all times hereafter, have hereditary seats in
 ‘ Parliament : That he always imagined that no
 ‘ man could judge what was suitable to him but
 ‘ himself ; and that it could be no manner of
 ‘ comfort to one who has any thing taken from
 ‘ him, that the possession of it is more suitably
 ‘ placed in another. How is it suitable to the
 ‘ peerage of *Scotland*, that instead of having a re-
 ‘ presentative of sixteen sitting by their election,
 ‘ they are hereafter to be favoured with having
 ‘ five and twenty there instead of them, and not
 ‘ one there in their behalf ?

‘ That it must be confessed, that the Peers of
 ‘ *Scotland* cannot complain of any thing like being
 ‘ tricked ; but their potential seats in Parliament
 ‘ are barred and taken from them, not by collu-
 ‘ sion and double-dealing, but by the most unre-
 ‘ served and candid usurpation imaginable : But
 ‘ though this is done with so much ease, and no
 ‘ reason given but that they who do it are pleased

‘ to say *it is most suitable* ; it is to be presumed,
‘ that those, whose consent is necessary for the di-
‘ vesting innocent men of their liberty and honour,
‘ will desire some better account of the matter,
‘ before they deprive their fellow-subjects of their
‘ undoubted rights : That he could not but, from
‘ a natural detestation of injustice, say, that it is
‘ the highest wrong done to the *indulgence* men-
‘ tioned in the preamble, to expect it will be grant-
‘ ed in favour of any men, in wrong of any other ;
‘ and that he did not doubt but that house would a-
‘ larm that benignity, from being implored to the
‘ destruction of itself, or oppression of others.

‘ That he hoped the best man and best Prince
‘ in the world, would be gracious, so as to have
‘ it *always in his power to be gracious* : That he
‘ was sure he would never give his people any rea-
‘ son to complain, but of his too great goodness :
‘ Happy the Sovereign and happy the people,
‘ when excessive Grace is all that can be feared
‘ of him !

‘ That the Peers of *Scotland* have an indefeasible
‘ right by the act of union, to be elected and serve
‘ in Parliament as Peers of *Great-Britain*, in the
‘ manner therein stipulated, and it would be but
‘ more cruel, not more unjust, to take from them
‘ their lives and fortunes, than this honour and
‘ privilege, which their ancestors purchased by the
‘ frequent hazard of theirs : That the terms of the
‘ union are plain and absolute ; nor can there be
‘ any privilege, liberty, or property secured by it
‘ to the meanest subject of either nation, violated
‘ or altered against his will, and no satisfactory re-
‘ paration done him, without infringement of the
‘ whole act, and leaving the persons, so injured,
‘ at liberty to avenge by force what was done by
‘ it : For protection and obedience are reciprocal,
‘ and the withdrawing the one, discharges the
‘ other : What then is the condition of these un-
‘ happy

‘ happy men, who are to be divested of their
‘ rights and privileges of subjects, and yet, no
‘ doubt, to be deemed traitors, should they fly
‘ to any foreign power, or invader of that nation,
‘ which has in the dearest and greatest considera-
‘ tions (those of honour and distinction) made
‘ them foreigners? The terms of the union can-
‘ not be revoked without disuniting the king-
‘ doms; for when that is done they are no longer
‘ held together by law, but by force; and the
‘ power which keeps us together must be arbitrary,
‘ and not legal; or if legal, not righteous: For
‘ a law, not supported by justice, is, in itself, null
‘ and void; nor are the makers of it legislators,
‘ but oppressors.

‘ That it appears, without any possible contra-
‘ diction, that the Parliament of *Great-Britain* can-
‘ not exclude the Peers of *Scotland* from the benefit
‘ of the 23d article in the act of union, without be-
‘ coming an arbitrary power, acting with an indif-
‘ ference to good and evil, on the foundation of
‘ might only.

‘ He argued farther, that we are safer under the
‘ prerogative in the King, than we can be under an
‘ aristocracy. The prerogative is a power in the
‘ Sovereign, not expressed or described in the laws,
‘ but to be exercised in the preservation of them by
‘ the rule of the general good: And if it could be
‘ proved, that the business of the twelve Gentlemen
‘ was purely done to save the nation, and that it was
‘ done for the good of the whole, the statesman, who
‘ advised it, would deserve the thanks of all man-
‘ kind, for exposing himself to the misrepresenta-
‘ tion and resentment of future Parliaments, for the
‘ good of his fellow-subjects.

‘ That he would not pretend to doubt but those
‘ noble personages have, under the hands and
‘ seals of all and every of their electors, the Peers
‘ of

‘ of *Scotland*, full power and authority for this alteration, without which their proceeding could not be reconciled to common honour : And if the thirty odd, who are to be ennobled by this bill, are to be made up by present members of the house of Commons, such members are to climb to honour thro’ infamy.

‘ That the bill seemed to him to be calculated for nothing but an aristocracy, and, indeed, had not so much as the appearance of any thing else ; for tho’ a man of honour and conscious integrity knows, that he is a Peer for the sake of his fellow-subjects, and that this right is vested in him and his family for the sake of society, not for himself and successors only, yet is there no part of society considered in this bill, but merely the Peers and Nobles. The Lords exercise a power in the last resource ; and an appeal lies to them from all the courts of *Westminster-hall*, for determining all the property of *Great-Britain*, and yet they are willing to have a law which must necessarily disable them from being a capable court of justice for the future ; for the bill even provides for their insufficiency as to this purpose ; and there is a clause, which, instead of looking out for great and knowing men, is very careful to leave the power in the King to give titles, in case of extinctions, to minors : But much of the same stamp is the partiality of the bill, that females are excluded from their future right ; as if a Lady of good sense were not as capable of bringing into the world a man of sense, as a boy, under age, is of becoming a man of justice and honour from the mere recommendation of his fortune ; for it is not to be doubted but that would be his best pretensions : But Lords have thought it more eligible to have in view the providing rich husbands for their daughters, from among the Commons, than the
‘ leaving

‘ leaving it to their female heirs, to make Lords
‘ of the descendants of meritorious Commoners :
‘ Thus the aristocracy is set out by this bill ; for
‘ all the provisions and limitations of it regard
‘ only the titles and honours of the Peers, and pro-
‘ digious care is taken, that no one should suffer
‘ from possible contingencies and distant inci-
‘ dents among themselves, but no regard had to
‘ the known immediate present rights of those
‘ who do not sit in their house, but have title of
‘ election into it : There is no difficulty of de-
‘ stroying those whom they know to have titles,
‘ but they are prodigious tender of hurting those
‘ who may have titles, of which they do not
‘ know : The Lords will be judges, and give and
‘ admit to whom they please incident claims ; but
‘ extinctions are to be supplied only by the King,
‘ and he might possibly give them to persons they
‘ should not like.

‘ The restraint of the Peers to a certain number
‘ will make the most powerful of them have the
‘ rest under their direction ; and all the property
‘ disposed before them will be bestowed, not by
‘ judgment, but by vote and humour, or worse.
‘ Judges so made by the blind order of birth, will
‘ be capable of no other way of decision. It is said
‘ that power attends property ; but it is as true,
‘ that power will command property ; and, accord-
‘ ing to the degeneracy of human nature, the Lords
‘ may as well grow corrupt as other men ; and if
‘ they should do so, how will this be amended, but
‘ by the consent of those, who shall become so cor-
‘ rupt ? What shall we say then ? Shall we expose
‘ ourselves to probable evils, with the foresight of
‘ impossible remedies against them ?

‘ That

‘ That it was hardly to be read seriously, when
 ‘ the bill in a grave style and sober contradiction
 ‘ has these words, *The twenty five Peers on the*
 ‘ *part of the peerage of Scotland* ; as if they who
 ‘ were made instead of the Peers of *Scotland*, could,
 ‘ without a banter, be called Peers on the part of
 ‘ the peerage of *Scotland* ; the true description of
 ‘ them is, Peers made when the Peers of *Scotland*
 ‘ were no more to be Peers ; for the title resting in
 ‘ their families, without hopes of succession in the
 ‘ peerage and legislature, is only a bar against any
 ‘ participation of power and interest in their coun-
 ‘ try : It is putting them into the condition of pa-
 ‘ pists convict, as to what ought to be most dear to
 ‘ them, their honour and reputation.

‘ It is held, by true politicians, a most dangerous
 ‘ thing to give the meanest of the people just
 ‘ cause of provocation ; much more to enrage
 ‘ men of spirit and distinction, and that too with
 ‘ downright injuries. We may flatter ourselves,
 ‘ that property is always the source of power ; but
 ‘ property, like all other possessions, has its effects
 ‘ according to the talents and abilities of the owner ;
 ‘ and as it is allowed, that courage and learning are
 ‘ very common qualities in that nation, it seems
 ‘ not very advisable to provoke the greatest, and,
 ‘ for ought we can tell, the best men amongst
 ‘ them.

‘ Thus we are barred from making this law by
 ‘ prudential reasons, as well as from the inviolable
 ‘ rule of justice and common right, with relation to
 ‘ the *Scotch* Peers :

‘ But if we consider the matter with regard to
 ‘ the King’s prerogative, this law would dimi-
 ‘ nish it to an irreparable degree ; and it is a
 ‘ strange time to take away power, when it is in
 ‘ the possession of a Prince, who uses it with so
 ‘ much moderation, that he is willing to resign
 ‘ it :

‘ it : But we are to consider the prerogative as
‘ part of the estate of the crown, and not con-
‘ sent to the taking it out of the crown, ’till we
‘ see just occasion for it. His Majesty’s indul-
‘ gence makes it safe in his royal breast ; and we
‘ know of nothing, any other of the family has
‘ done, to alter it for fear of him. The preroga-
‘ tive can do no hurt, when ministers do their
‘ duty ; but a settled number of Peers may abuse
‘ their power, when no man is answerable for
‘ them, or can call them to an account for their
‘ incroachments. It is said, and truly too, that
‘ the manner of their power will be the same as
‘ now ; but then the application of it may be al-
‘ tered, when they are an unchangeable body :
‘ Schemes of grandeur and oppression can be
‘ formed to invade the property, as well as liber-
‘ ty, of their fellow-subjects ; which would, ac-
‘ cording to the present establishment, be vain to
‘ undertake, when they are subject to an altera-
‘ tion before their project could be ripened into
‘ practice and usurpation.

‘ As for any sudden and surprizing way of crea-
‘ tion, that lies before the legislature for censure ;
‘ and the great diminution which all creations
‘ bring upon the King’s authority, is a sufficient
‘ defence against the abusive employment of that
‘ authority this way : For when the King makes
‘ Peers, he makes perpetual opponents of his will
‘ and power, if they shall think fit ; which one
‘ consideration cannot but render frequent creations
‘ terrible to the crown.

‘ This constitution has subsisted in spite of con-
‘ vulsions and factions, without restraining or
‘ repressing the extent of the legislative pow-
‘ ers ; nor is it possible for any man, or assem-
‘ bly of men, to circumscribe their distinct au-
‘ thorities : No, they are to be left eternally at
‘ large ;

‘ large ; and the safety of each part, and the
‘ good of the whole, are to be the rules of their
‘ conduct : And as ’tis impossible to foresee all
‘ the circumstances which must arise before them,
‘ there is no other safe way but leaving them at
‘ large, as vigilant checks upon each other, equally
‘ unconfined, but by reason and justice.

‘ If there was any outrage committed in the
‘ case of the twelve gentlemen, the Peers should
‘ have then withstood the receiving of them, or
‘ done what they thought fit at another season for
‘ their satisfaction ; and not, when it is too late,
‘ instead of asserting their liberties, mediate their
‘ future security in unreasonable concessions from
‘ the crown, and discouragements upon the me-
‘ rits of the Commons : And can the gentlemen
‘ in present power reasonably think, that the con-
‘ summation of the *English* glory and merit, is to
‘ close and rest in their persons ?

‘ After the bill has sufficiently provided for an
‘ aristocracy over these dominions, it goes into
‘ a kind of œconomy and order among them-
‘ selves, which relates to their nobility, and not
‘ to their peerage. We plain men and com-
‘ moners will not dispute about any thing which
‘ we know to be merely trifling and ornamental ;
‘ and if they will be satisfied with a power in
‘ them as Peers, they shall be Dukes, Marqueesses,
‘ Earls, or whatever other words they please,
‘ without our envy or opposition : But when we
‘ come seriously to consider what we are going to
‘ do, we must take the liberty to be very jealous,
‘ as the last time that it may be in our power to
‘ make a stand for ourselves and posterity ; and
‘ noblemen cannot blame commoners, who are
‘ as shy in bestowing, as they are importunate in
‘ urging, the grant of such a power in themselves,
‘ as can be of no use or advantage but to
‘ themselves ;

‘ themselves. At the same time one cannot resist
‘ observing to them, that, with respect to the pre-
‘ rogative, the peerage of *Scotland*, and the rights
‘ of the whole body of the people of *Great-Britain*,
‘ they cannot be more exorbitant in the use of this
‘ bill, should it become a law, than in the circum-
‘ stances under which they send it to us for our concur-
‘ rence ; and it is not thirst of power, but mode-
‘ ration in the demands made of it, can recom-
‘ mend men to farther trust ; and we cannot ap-
‘ prehend but that which would be founded on usur-
‘ pation, would be exerted in tyranny : But it is to
‘ be hoped, that this unreasonable bill will be entirely
‘ rejected, when none can pretend to amend what
‘ is in its very nature incorrigible ; for it would be
‘ in vain to attempt a superstructure, which ought to
‘ be approved, upon a foundation which deserves no-
‘ thing but indignation and contempt.

‘ It is a melancholy consideration, that under
‘ the pressure of debts, the necessities of a war,
‘ the perplexities of trade, and the calamities of
‘ the poor, the legislature should thus be taken
‘ up and employed in schemes for the advance-
‘ ment of the power, pride, and luxury, of the
‘ rich and noble. ’Tis true, this affair ought to
‘ be treated in a most solemn manner, by reason
‘ of the awful authority from whence it comes ;
‘ but we must not, on such occasions, be oppres-
‘ sed by outward things, but look to the bottom
‘ of the matter before us, divested of every thing
‘ that should divert us from seeing the true reason
‘ of what passes, and the pretensions to what is
‘ asked : If this bill is required for preventing the
‘ creation of occasional Peers, why, at the same
‘ time, are five and twenty *Scotch*, and eight
‘ *English*, to be now made ? Is not this the same
‘ thing, as to say, if you will let us make so
‘ many this one time, under the sanction of a
‘ law,

' law, we will make no more, for we shall have
 ' no occasion for any more? The latter end of
 ' this bill seems to have some compassion towards
 ' the prerogative, and enacts something gracious
 ' towards the descendants of the sovereign, be-
 ' fore the commencement of the aristocracy. *Pro-*
 ' *vided always nevertheless, that nothing in this act*
 ' *contained, shall be taken or construed to lay any re-*
 ' *straint upon the King's Majesty, his heirs or suc-*
 ' *cessors, from advancing or promoting any Peer,*
 ' *having vote and seat in Parliament, to any high-*
 ' *er rank or degree of dignity or nobility; nor from*
 ' *creating or making any of the Princes of the blood*
 ' *Peers of Great-Britain, or Lords of Parliament;*
 ' *and such Princes of the blood, so created, shall not*
 ' *be esteemed to be any part of the number, to which*
 ' *the Peers of Great-Britain are by this act restrained.*
 ' This is the grace and favour, which (as soon as
 ' all their own posterity, and accidents that could
 ' befall them, are provided for) is most bounteouf-
 ' ly bestowed on the children of the royal family :
 ' As this goodness is conferred on those of it, who
 ' are not yet intitled to that honour, it is to be pre-
 ' sumed, in spite of all groundless insinuations that
 ' are spread abroad, that nothing vested in others
 ' of them will be assaulted; but that whatever be-
 ' comes of this bill, their present estates, their then
 ' remaining estates, will be still inviolable. He con-
 ' cluded, that since the house had given this af-
 ' fair such proper usage, as to call a full assembly
 ' to be present at the debate, it would infallibly end
 ' according to justice; for he could never think the li-
 ' berty of *Great-Britain* in danger at such a meeting;
 ' but that for his part he was against committing of
 ' the bill, because he thought it would be commit-
 ' ting of sin.'

Mr. *Pitts* spoke against the projectors of this
 bill, whom he taxed with mean obsequiousness to
 ' foreigners,

foreigners, and with designs against the liberties of their countrymen. Sir *Wilfred Lawson*, and Mr. *Horatio Walpole*, who spoke on the same side, were answered by Colonel *Morton*.

On the other hand, Sir *John Packington*, who spoke against the bill, said, among other things, Sir John Packington's speech.

‘ That they had all the reason in the world to
 ‘ acknowledge the good intentions his Majesty had
 ‘ been pleased to express in his speech, for the good
 ‘ of his subjects and the liberty of our constitution ;
 ‘ but that in his opinion, his Majesty was not
 ‘ rightly informed of the manner of making his sub-
 ‘ jects feel the effects of those gracious intentions ;
 ‘ and that in particular, the bill now before them
 ‘ was a very improper return to all the demonstrati-
 ‘ ons of duty, zeal, and affection, which his faith-
 ‘ ful Commons had given since his Majesty’s happy
 ‘ accession to the throne.

‘ That when the King and his ministers thought
 ‘ fit to enter into a strict alliance with *France*, and
 ‘ thereby give that ancient and almost irreconcilable
 ‘ enemy of *England*, an opportunity to retrieve the
 ‘ extreme low and desperate condition of their affairs,
 ‘ the Commons had not opposed those measures.
 ‘ That when his Majesty judged it necessary, either
 ‘ for the good of his subjects, or to secure some ac-
 ‘ quisitions in *Germany*, to declare war against *Swe-*
 ‘ *den*, and to send strong squadrons into the *Baltick*,
 ‘ his faithful Commons had readily provided for
 ‘ those great expences. That when afterwards it
 ‘ was thought proper to deprive his Majesty’s sub-
 ‘ jects of the beneficial trade to *Spain*, by declaring
 ‘ war against that crown, and sending a fleet into
 ‘ the *Mediterranean* to serve as ferry-boats for the
 ‘ Emperor’s troops, the good-natured Commons had
 ‘ approved those wise counsels : But that after all
 ‘ these and several other instances of obsequiousness
 ‘ and complaisance, which the Commons had shewn
 ‘ for the ministers, it was matter of wonder they
 ‘ should,

‘ should, at last, be no better rewarded, than by a
 ‘ bill, which was visibly calculated to exclude them
 ‘ from titles of honour, and to raise the dignity and
 ‘ power of the Peers. That this seemed to have
 ‘ been the principal design of the Ministry, since the
 ‘ beginning of this reign, and, in particular, to give
 ‘ one family the absolute disposal of all honours and
 ‘ favours. That for his own part, he never desired
 ‘ to be a Lord, but that he had a son, who might,
 ‘ one day, have that ambition; and he hoped to
 ‘ leave him a better claim to it, than a certain great
 ‘ man had, when he was made a Peer.

‘ That ’twas, indeed, an extraordinary and un-
 ‘ exampled condescension in his Majesty, to part
 ‘ with so valuable a branch of his royal prerogative,
 ‘ as is the bestowing marks of honour and distincti-
 ‘ on on such as have deserved them by their eminent
 ‘ virtues and services to their King and Country :
 ‘ However, considering what equivalent was given
 ‘ by this bill to his Majesty, no body would wonder
 ‘ at this condescension, if it reached no farther than
 ‘ his Majesty; but he hoped this house would never
 ‘ concur in depriving of so bright a jewel of the
 ‘ crown, the Prince, who in his proper turn was to
 ‘ wear it; and who was so worthy of it by all the
 ‘ royal virtues that shone in his person, and which,
 ‘ during his regency, had gained him the hearts and
 ‘ affections of all true *Englishmen*. That some per-
 ‘ sons had, thro’ their indiscretion, occasioned an un-
 ‘ happy difference, — and he was apprehensive,
 ‘ that if this bill, so prejudicial to the rights of the
 ‘ presumptive heir, should pass into a law, it might
 ‘ render that division irreconcilable; and therefore
 ‘ he was against the committing it.’

Mr. *Hampden* answered one of the most material
 objections against the bill, viz. ‘ That it would give
 ‘ the Peerage an aristocratical authority; endeavour-
 ‘ ing to shew on the contrary, that the limiting the
 ‘ number of the Peers would rather diminish than
 ‘ in-

‘ increase their power and interest, since these were
 ‘ mainly owing to the constant addition of riches
 ‘ which the Peerage receives by the ennobling of
 ‘ wealthy Commoners.

Mr. Secretary *Craggs* spoke on the same side, and Mr. *Cragg's*
speech.
 urged, among other reasons, ‘ That his Majesty,
 ‘ since his accession to the throne, had had no other
 ‘ view than to procure the good and happiness of his
 ‘ subjects, and to secure their rights and liberties.
 ‘ That having, in his royal wisdom, considered the
 ‘ abuse that was made, in the last reign, of that
 ‘ branch of the prerogative, relating to the creating
 ‘ of Peers, which abuse had brought the liberties of
 ‘ *Great-Britain*, and of all *Europe*, into imminent
 ‘ danger; his Majesty, thro’ a condescension worthy
 ‘ of a Prince truly magnanimous, had graciously
 ‘ been pleased to consent, that such bounds be set to
 ‘ that part of the prerogative, as may prevent any
 ‘ exorbitant and dangerous exercise of it for the time
 ‘ to come : That ’twas only in the reigns of good
 ‘ Princes, that legislators had opportunities to re-
 ‘ medy and amend the defects to which all human
 ‘ institutions are subject; and that if the present oc-
 ‘ casion of rectifying that apparent flaw in our con-
 ‘ stitution were lost, it might, perhaps, never be re-
 ‘ trieved.’

Mr. *Metbuen*, formerly secretary of state, answered
 Mr. *Craggs*, ‘ And shewed the danger of making al-
 ‘ terations in the fundamental laws and ancient con-
 ‘ stitution; urging the comparison of a building, in
 ‘ which the removing one single stone from the
 ‘ foundation, may endanger the whole edifice.’

Mr. *Herne*, and some others, spoke on the same
 side, after which Mr. Attorney-General made a long
 speech, and owned, ‘ That he did not like this bill,
 ‘ as it was sent down to them, yet he did not doubt
 ‘ but it might be made a good one, provided the
 ‘ Lords would give the Commons an equivalent,
 ‘ and share with them several privileges and advan-

‘ tages, which their Lordships enjoy. Therefore he
 ‘ insisted on the committing of the bill, that they
 ‘ might make amendments to it; and as to the ob-
 ‘ jection, that it was dangerous to make any inno-
 ‘ vations in the constitution, he alledged several in-
 ‘ stances, particularly, the act for limiting the suc-
 ‘ cession, and the act of union, which, indeed, had
 ‘ altered, but, on the other hand, had rather im-
 ‘ proved and strengthened, than prejudiced the ori-
 ‘ ginal constitution.’

Mr. Robert
 Walpole's
 speech.

Mr. *Robert Walpole* spoke next, on the other side,
 and endeavoured to confute all that had been offered
 ‘ in favour of the bill. Among other remarkable
 ‘ particulars, he took notice, ‘ That among the
 ‘ *Romans*, the wisest people upon earth, the temple
 ‘ of fame was placed behind the temple of virtue, to
 ‘ denote that there was no coming to the former,
 ‘ without going thro’ the other: But that if this
 ‘ bill passed into a law, one of the most powerful in-
 ‘ centives to virtue would be taken away, since there
 ‘ would be no coming to honour, but through the
 ‘ winding sheet of an old decrepit Lord, and the
 ‘ grave of an extinct noble family. That ’twas matter
 ‘ of just surprize, that a bill of this nature should
 ‘ either have been projected, or, at least, promoted
 ‘ by a gentleman who not long ago sat amongst
 ‘ them; and who having got into the house of
 ‘ Peers, would now shut up the door after him.
 ‘ That this bill would not only be a discouragement
 ‘ to virtue and merit, but also endanger our excellent
 ‘ constitution: For as there was a due balance be-
 ‘ tween the three branches of the legislature, if any
 ‘ more weight were thrown into any one of those
 ‘ branches, it would destroy that balance, and con-
 ‘ sequently subvert the whole constitution. That
 ‘ the Peers were already possessed of many valuable
 ‘ privileges, and to give them more power and au-
 ‘ thority, by limiting their number, would in time
 ‘ bring back the commons into a state of the ser-
 ‘ vile

‘ vile dependency they were in, when they wore
‘ the badges of the Lords. That he could not but
‘ wonder, that the Lords would send such a bill to
‘ the Commons ; for how could they expect that
‘ the Commons would give their concurrence to so
‘ injurious a law, by which they and their posterities
‘ are to be excluded from the peerage ? And how
‘ would the Lords receive a bill by which it should
‘ be enacted, That a Baron should not be made a
‘ Viscount, nor a Viscount be made an Earl, and so
‘ on ? That besides all this, that part of the bill
‘ which related to the Peerage of *Scotland*, would be
‘ a manifest violation of the act of Union, on the
‘ part of *England*, and a dishonourable breach of
‘ trust in those who represented the *Scotch* Nobility.
‘ That such an infringement of the Union, would
‘ endanger the entire dissolution of it, by disgusting
‘ so great a number of the *Scotch* Peers, as should be
‘ excluded from sitting in the *British* Parliament.
‘ For as ’twas well known, that the revolution-settle-
‘ ment stood upon the principle of a mutual com-
‘ pact, if we should break first the articles of Uni-
‘ on, it would be natural for the *Scots* to think
‘ themselves thereby freed from all allegiance. And
‘ as for what had been suggested, That the election
‘ of the sixteen *Scotch* Peers was no less expensive to
‘ the Crown, than injurious to the Peerage of *Scot-*
‘ *land*, it might be answered, That the making twen-
‘ ty five hereditary sitting *Scotch* Peers would still
‘ increase the discontents of the electing Peers, who
‘ thereby would be cut off of a valuable considera-
‘ tion for not being chosen.’ Mr. *Aislabie*, Chancel-
‘ lor of the Exchequer, who spoke next, answered a
‘ material objection that had been raised against the
‘ bill, viz. ‘ That it was dangerous to make any in-
‘ novations in the constitution ; and made it appear,
‘ that several alterations had been made in the origi-
‘ nal constitution, by *Magna Charta*, the *Habeas Cor-*
‘ *pus* Act, and several other laws, made for the be-

The *Peerage-bill* rejected by the Commons.

‘nefit of the ſubject ; and upon the whole was for committing the bill.’ He was backed by Mr. Serjeant *Pengelly*, but they were oppoſed by Mr. *Smith*, who, among other arguments, urged, ‘That the foundation of this bill being wrong and faulty, there was no room for amendments, and therefore he was againſt committing it.’ Mr. *Hungerford*, who brought up the rear, was of a contrary opinion; but about a quarter paſt eight in the evening, the queſtion being put upon the Lord *William Powlet*’s motion, the ſame was carried in the negative, by a majority of 269 voices againſt a 177, ſo that including the two tellers on each ſide, there were 450 members in the houſe. After this it was moved and reſolved, by about the ſame majority, that the bill be rejected.

Jan. 22. The Commons, in a grand Committee, took into conſideration that part of his Maſteſty’s ſpeech at the opening of this ſeſſion, which relates to the public debts, and read the account of thoſe debts, as they ſtood at the *Exchequer* at *Michaelmas* 1719 ; as alſo a propoſal of the *South-Sea* company, towards the redemption and ſinking of the ſaid debts, which is as follows :

First ſcheme of the *South-Sea* Company.

To the honourable the Commons of Great-Britain in Parliament aſſembled.

The *South-Sea* company’s ſcheme for reducing the public debts.

THE corporation of the governor and company of merchants of *Great-Britain*, trading to the *South-Sea* and other parts of *America*, and for encouraging the fiſhery, having under their conſideration how they may be moſt ſerviceable to his Maſteſty and his government ; and to ſhew their zeal and readineſs to concur in the great and honourable deſign of reducing the national debts, in ſuch manner as may be conſiſtent with, and for the ſupport of, Parliamentary

mentary credit, do humbly apprehend, that if the public debts and annuities, mentioned in the annexed estimate, were taken into, and made part of, the capital stock of the said company, it would greatly contribute to that most desirable end; which debts and annuities may be comprehended under the general heads following, viz.

Annuities for terms of years.

Annuities granted for 99 years or 96 years, amounting yearly to 667,705 l. 8 s. 1 d. which, at 20 years purchase, amounts to	}	l. s. d. 13354108 01 08
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Lottery 1710, remaining unsub- scribed to the company, about 40,670 l. 8 s. per Annum, which, at 14 years purchase, amounts to	}	569385 12 00
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Annuities of 9 l. per cent. amount- ing to 81000 l. per annum, at 14 years purchase, amount to	}	1134000 00 00
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Total Value of the said Annu- ties	}	15057493 13 08
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Debts redeemable by Parliament.

Total, after the rate of 5 l. per cent. per annum,	}	11795466 05 06½
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Total, after the rate of 4 l. per cent. per annum,	}	4128752 07 04
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Total of the said redeemable debts,	}	15924218 12 10½
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Therefore do humbly propose, that the said company may be permitted to enlarge their present stock, by taking in the said annuities and debts at any time or times until *Lady-Day*, 1721, on the terms and conditions following, *viz.*

I. That the said annuities be taken into the said company, either by purchase, or by voluntary subscription of the proprietors thereof (and without any compulsion on them) at such price and prices as shall be agreed between the company and the proprietors of those annuities.

II. That for the annuities for ninety nine years, or ninety six years, for every 5 *l. per annum*, taken into the company, there be 5 *l. per annum* added to the company's present annuity, and 100 *l.* to their capital stock, being after the rate of twenty years purchase.

III. That the residue of the lottery 1710 be estimated at fourteen years purchase, for twenty three years, due on them from *Michaelmas* 1719. And that the Annuities of 9 *l. per cent. per annum* be also estimated at fourteen years purchase, for the twenty two years and three quarters, due on them from *Christmas*, 1719. And that there be an addition to the stock and annuity of the company proportionably, *viz.* 70 *l.* stock, and 3 *l.* 10 *s. per ann.* annuity for every 5 *l. per ann.* of those annuities which shall be taken into the company.

IV. That the said redeemable debts be likewise taken into the company, either by purchase, subscription, or paying them off by the said company.

V. That for all the said redeemable debts there be added 100 *l.* to the capital stock of the said company, for every 100 *l.* so taken in by them ; and
the

the like annuity added to the company's present annuity, as is now payable for the interest of those debts.

VI. That the company be allow'd for charges of management for their thus to be increas'd capital, so much as it now costs the government for the charge of paying, assigning, and accounting for the said debts, or such porportion thereof, as the sum which shall be taken in by the company shall bear to the whole of those debts.

VII. That the present annuities for the company's present capital, and the annuities for the thus to be increas'd capital, be continu'd at the rates aforesaid, 'till *Midsummer* 1727. And that from and after that time, their then annuity for their whole capital shall be actually reduc'd to 4 *l. per cent. per annum*. And likewise be thenceforth redeem'd by Parliament.

VIII. That the company's present and to be increas'd allowance for charges of management, do continue 'till their capital be redeem'd, as their allowances for charges of management are.

IX. That the annuities to the company for their thus to be increas'd capital, be paid them weekly as their present annuities are, and be charg'd on the funds now appropriated to the said debts and annuities so taken into the company.

X. That for the liberty of increasing their capital stock, as aforesaid, the company will give and pay into his Majesty's *Exchequer*, for the service of the public, and to be apply'd for paying off the public debts, provided for by Parliament before *Christmas* 1716, the sum of three millions and an half,

half, by four equal quarterly payments, whereof the first payment to be at *Lady-Day* 1721.

XI. That though the company's capital is proposed not to be redeemable 'till *Midsummer* 1727, yet they do submit, that so much as shall arise by the sinking funds before that time, may (from and after paying off such part of the public debts as may be redeemed within that time, and which shall not be taken into the said company) be apply'd at the end of every year, towards paying off, in even hundred thousand pounds, that part of the company's capital which carries 5 *l. per Cent. per Ann.*

XII. The said company do farther submit, That for such of the present *Exchequer*-bills as the Parliament shall continue, and for such new ones as they shall empower the Lords of the treasury to issue and circulate (without the subscription or contract of any persons or corporation) the company will be oblig'd (from and after *Midsummer* 1720, 'till the reduction of the annuities for their whole capital, to 4 *per Cent. per Ann.* and no longer) to pay such proportion of money and interest as shall be found necessary by the Lords of the treasury, or trustees to be appointed by them, to circulate the same, as the sum of one million shall bear to the total amount of such *Exchequer*-bills : The company having the like proportion of the benefit of the interest which shall be saved on such bills, during the time they shall be in the hands of any public officer, or in the *Exchequer*.

By order of the general court,

John Fellows, Sub-Governor,
Charles Foye, Dep. Governor.

ESTIMATE.

E S T I M A T E.

The particulars of the government's debts, proposed to be added to the capital stock of the *South-Sea* company, viz.

Annual Sums. Annuities for 99 and 96 years. Principal Sums.
l. s. d.

124866 00 0 { The 14 l. per Cent. turned into Annuities for 99 years.

15663 13 6½ { Annuities for lives, ditto for 96 years.

104745 10 6½ { Ditto on 3700 l. per Week excise.

46000 00 0 { On ditto a farther sum ditto.

184242 14 0 { Tonnage and Poundage, &c. } Ann. for 99 years.

72187 10 0 { On low wines, &c.

40000 00 0 { Overplus of annuity-funds, &c.

80000 00 0 { Old subsidy.

667705 08 1 per Ann. being the amount of the 99 and 96 years annuities, granted by several acts of Parliament,

from 1692 to 1708, at 20 years purchase, will make a principal sum of ————

81000 00 0 per Ann. Annuities for 32 years, from Lady-Day, 1710, computed at 14 years purchase, makes ————

40670 08 0 per Ann. the remainder of the lottery 1710, not subscribed to the *South-Sea* company, computed at 14 years, makes ————

113354108 01 8

1134000 00 0

569385 12 0

15057493 13 8

5 l. per

5 *l. per Cent.* Annuities, redeemable on the payment of the principal fums under-mentioned, *viz.*

	l.	s.	d.
Bank annuities at one year's notice	1079000	00	0
Several lotteries without notice	8875936	09	6
Bankers annuities <i>ditto</i>	674226	18	1½
Lottery 1714, Blank <i>ditto</i>	1055990	00	0
Treasurer of the navy for a deficiency } to the <i>South-Sea</i> company }	110312	17	1¾
	11795466	04	9½

4 *l. per Cent.* Annuities, redeemable on the payment of the principal fums under-mentioned, *viz.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Civil list lottery, <i>Anno</i> 1713	563300	00	0
Lottery 1714, Prizes	652020	00	0
Deficiency of low wines and candles, 1716	413605	17	0
<i>Ditto</i> of the funds	<i>Ditto</i> 509127	05	6¾
<i>Canada</i> bills	24195	18	2
Army debts	965917	19	6¼
<i>Edward Clent</i> , Esq; army debenture	585	07	1
First lottery, 1719	500000	00	0
Second lottery, 1719	500000	00	0

4128752 07 4

11795466 04 09¼

4128752 07 04

15924218 12 01¼

Abstract

and the friends of the bank of England having represented, in behalf of this last corporation, the great and eminent services they had done to the go-

Abstract of the foregoing debts.

Redeemable Annual Sums.

The 5 l. per Cent. annuities

The 4 l. per Cent. annuities

Unredeemable

The 99 and 96 years annuities

32 years annuities from Lady-Day, 1710

Remainder of the lott. 1710, unsubscribed

Principal Sums.

l. s. d.

11795466 05 06½

4128752 07 04

13354108 01 08

1134000 00 00

569385 12 00

30981712 06 06½

at 20 years

at 14 years

at 14 years

John Fellows, Sub-Governor,

Charles Foye, Dep. Governor.

This proposition coming short of what was expected, and the friends of the bank of *England* having represented, in behalf of this last corporation, the great and eminent services they had done to the government,

vernment, in the most difficult times, and which deserved, at least, That if any advantage was to be made by any public bargains, they should be preferred before a company that had never done any thing for the nation, the farther consideration of that important affair was put off, till the 27th.

Jan. 27. The Commons, in a grand Committee, considered farther of the public debts; and the bank of *England* having laid their proposition before the Committee, whereby it appeared, that they offered about two millions sterling more to the government, in less time than the *South-Sea* company had done, it was thought fit to give the said company some time to consider farther on that matter; which was thereupon put off 'till the first of *February*. The said proposal of the bank of *England* is as follows:

To the Honourable the Commons of Great Britain in Parliament assembled.

The humble proposal of the governor and company of the bank of England.

The proposal of the bank of *England* for reducing the public debts.

I. TH A T in case they may have a power granted to them by Parliament to purchase or take in, by way of subscription, the several *Exchequer*-annuities, of 99 and 96 years, commonly called *The Long Annuities*; and amounting together to the sum of 667,000 *l. per Annum.* or thereabouts, from the several proprietors of the said annuities, in such manner as the said proprietors shall voluntarily agree, and at any time before the 24th day of *June* 1721.

And also, that they may have added to the present capital stock of the said governor and company, such a principal sum as all the said annuities do amount to, being computed at the rate of twenty years

years purchase, which will be 13,354,000 *l.* or thereabouts.

And that the several funds granted for payment of the said annuities, may be charged with the payment of an interest at the rate of 5 *l. per Cent. per Annum*, payable weekly, on the said principal sums, or so much thereof as shall be purchased or taken in by the said governor and company, before the said 24th day of *June* 1721.

That then, and in such case, the said governor and company are willing to advance and pay, for the use of the public, three years purchase on every annuity (that is to say) 15 *l. per Cent.* on every 100 *l.* so to be computed as aforesaid, as the said governor and company shall purchase or take in by subscription, in such manner and within the time as before-mentioned; which, if the whole purchase be completed, will amount to 2,003,100 *l.* or thereabouts.

II. *It is proposed*, That in case the said governor and company may have the like power granted by Parliament, to purchase (in the same manner, and within the same time, as is mentioned in the aforesaid proposition) or take in, by subscription, the several annuities granted for 32 years, that is to say, the fund of 9 *l. per Cent. per Annum*, and the remainder of the lottery 1710, which being computed at 14 years purchase, will amount to 1,700,000 *l.* or thereabouts.

And also that a sum of 1,700,000 *l.* be added to the present capital stock of the said governor and company, that the funds granted for payment of the said annuities be charged with an annual interest at the rate of 5 *l. per Cent. per Ann.* payable weekly on the said principal sum of 1,700,000 *l.* or so much thereof as shall be purchased, or taken in by subscription, before the said 24th day of *June* 1721.

That

That then, and in such case, the said governor and company are willing to advance and pay, for the use of the public, three years purchase on every such annuity so to be purchased, or taken in by subscription, in the same manner, and within the limited time, before-mentioned ; which three years purchase (if the whole be compleated) will amount to the sum of 364,500 *l.* or thereabouts.

III. *It is proposed,* That in case the said governor and company may have power to pay off, or to purchase, or to take in by subscription the several debts here under specified, which are commonly called the redeemable debts, and which may amount to the sum of 15,900,000 *l.* principal, or thereabouts.

And that a sum of 15,900,000 *l.* be added to the present capital stock of the said governor and company.

And also, That the said several funds be charged with an annual interest, payable weekly, at the same rate as the public now pays to the several proprietors, which said annual interest, at the several rates of 5 *l. per Cent.* and 4 *l. per Cent.* now paid, amount to the sum of 574,900 *l.* or thereabouts.

That then, and in such case, the said governor and company will advance and pay for the use of the public, at the rate of 20 *l. per Cent.* which upon the said principal will amount to 3,180,000 *l.* or thereabouts, the same to be payable in such manner as shall be thought most agreeable to the public service.

Note, *The particular funds referred to in the abovesaid proposition of redeemable debts are these,*

Several lotteries,	}	Amount to 11,795,000 <i>l.</i> or thereabouts, at 5 <i>l. per Cent. per Ann.</i> interest.
Bankers annuities,		
Blanks in lottery 1714,		
Navy deficiency,		
And Bank annuities,		

*

This

This last at a year's notice.

Civil list lottery,
Prizes in lottery 1714,
Deficiencies on low-
wines, &c.
Ditto on funds,
Canada bills,
Army debts and debentures,
1st and 2d lottery 1719,

Amount to 4,128,000 *l.* or
thereabouts, at 4 *l.* per
Cent. per Annum Interest.

IV. *It is proposed*, That all the said sums mentioned in the three foregoing propositions, to be purchased, or taken in by subscription, or otherwise, and made part of, and added to, the capital stock of the said governor and company, which in case all the several annuities be purchased, will amount in the whole to the sum of 30,954,000 *l.* or thereabouts may be made redeemable by Parliament, from and after the 24th day of *June*, 1724, and in sums not less than 1,000,000 *l.* at any time.

V. *It is proposed*, That all the several sums that shall accrue by this proposal to the use of the public, may be applied to that part of the discharge of the fund of the Bank, that stands now redeemable at one year's notice.

VI. *It is proposed*, That whatsoever may arise by the surplus of the funds, commonly called *The sinking funds*, may be every half year applied to the paying off any of the 5 *l. per Cent.* funds, that shall be purchased by virtue of this proposal, or made part of the capital stock of the bank, if this honourable house shall think fit.

VII. *It is proposed*, That the said governor and company are willing to undertake to circulate the

present 800,000 *l.* in *Exchequer*-bills, that now remain in the *Exchequer*, upon the said terms as the governor and company have agreed with the Lords Commissioners of the Treasury, for circulating the said bills this present year, and for so long time as this honourable house shall think fit, not exceeding four years.

Note, *The terms at present for circulating the said 800,000 l. is at the rate of half per Cent. which amounts to 4000 l. per Ann.*

VIII. *It is proposed*, That the said governor and company may have an increase of a proportionable allowance for charges and management.

IX. *It is proposed*, That the said new additional stock, as well as the capital stock of the said governor and company, may continue free and exempt from all Parliamentary taxes and impositions whatsoever, and that they may enjoy the same powers and privileges that are already granted to them, with an addition of such farther powers and privileges, as this honourable house shall think necessary for carrying on so great an undertaking.

X. That whereas there is at present no transfer or stamp-duties payable on the 5 *l.* and 4 *l.* per Cent. redeemable funds, nor any transfer-duties on any of the annuities, *it is proposed*, That the transfers of the said additional stock may be exempted from all stamp-duties, taxes, or transfers.

XI. *And whereas*, in the aforesaid proposition, a certain sum or stock is mentioned to be added to the present capital of the bank, in order to enable them to purchase the *long annuities*; the said governor and company do, by way of explanation, farther offer to this honourable house, that they are content, in
case

case all the said annuities are not purchased, or taken in by subscription, within the limited time aforesaid, that then, and in such case, a proportionable part of the said stock shall be annihilated.

By order of the general court of the Governor and Company of the Bank of *England*.

Jan. 27, 1719. *David le Gros*, Secretary.

Feb. 1. The Commons, in a Committee of the whole house, took into consideration that part of the King's speech which relates to the public debts; as also the second schemes, or proposals, both of the *South-Sea* company, and of the bank of *England*, which are as follows:

The second Scheme of the *South-Sea* company.

To the honourable the Commons of Great-Britain in Parliament assembled.

THE corporation of the governors and company of merchants trading to the *South-Seas*, and other parts of *America*, and for encouraging the fishery, having, on the 27th of *January* last, presented their humble proposal to this honourable house, for enlarging the capital stock of the said company, by taking thereinto the several annuities and public debts therein mentioned, on the terms and conditions in the said proposal also mentioned; in which proposal such advantages were offered to the public, as the said corporation did humbly hope would have been to the entire satisfaction of this honourable house, and most conducive to the certain discharging and paying off the whole debt of the nation, and to which proposal they humbly crave leave to refer. But the governors and company of the bank of *England*, having the same day also delivered a proposal

The *South-Sea* company's second scheme.

posál to this honourable house, for enlarging their capital stock, by taking in the same annuities and debts, on the terms and conditions in their proposál also mentioned.

This corporation therefore, farther to manifest their zeal and earnest desire to contribute their utmost to the reducing and paying off the public debts, crave leave to offer the following explanations and amendments to their said proposál.

I. As to the sixth article of their said former proposál, wherein they have humbly desired to be allowed for charges of management, for their to be increased capital, so much as it now costs the government for charges of paying, assigning, and accompting for the said debts, or such proportion thereof, as the sum which shall be taken in by the company shall bear to the whole of those debts.

They now offer, by way of explanation of that article, that the allowances therein mentioned, are not to exceed a proportion to the allowance they have now, by act of Parliament, on their present capital for that purpose.

II. That whereas in the seventh article of their said proposál it is mentioned, that the annuities for the company's present and to be increased capital, be continued at the rates therein mentioned till *Midsummer* 1727. And that from and after that time their then annuity on their whole capital shall be actually reduced to 4 *l. per Cent. per Annum*, and likewise be from thenceforth redeemable by Parliament ;

They do humbly offer, that if this honourable house do think it more for the interest of the public, that in lieu of the said 7th article, all the sums to be taken into the company's capital, in pursuance of their proposál, shall be redeemable by Parliament, from and after *Midsummer* 1724, in sums not less than 500,000 *l.* at a time, they do consent thereto.

III. And

III. And whereas by the tenth article of their said former proposal, they offered, for the liberty of increasing their capital stock, as is therein aforesaid, that they would give and pay into his Majesty's *Exchequer*, for the service of the public, the sum of 3,500,000 *l.*

They now humbly offer, that over and above the said 3,500,000 *l.* they will farther give and pay into his Majesty's *Exchequer*, for the use of the public, by four equal quarterly payments, on the days mentioned in their said former proposal, 500,000 *l.* more, certain, and also upon all the said annuities for certain terms of years, which this company shall take into their capital stock, before the 1st of *March*, 1721, after the rate of four years and half purchase, by four quarterly payments, which, if all the said annuities be taken into the said company, will amount to the sum of 3,567,503 *l.* or thereabouts; to which being added the said 3,500,000 *l.* and the said farther sum of 500,000 *l.* will amount in the whole to the sum of 7,567,500 *l.* or thereabouts.

IV. That whereas in the eleventh article of their former proposal, they did submit, that so much as shall arise by the *sinking fund* before *Midsummer*, 1727. may, from and after paying off such part of the public debts, as may be redeemed within that time, and which shall not be taken into this company, be applied at the end of every year towards paying off, in even one hundred thousand pounds, that part of the company's capital which carries 5 *l. per Cent. per Ann.*

They do humbly offer, in lieu thereof, that if this honourable House think fit to make their to be increased capital redeemable at *Midsummer*, 1724, that the said *sinking fund* may, 'till that time, be applied, half-yearly, to the paying off that part of the company's capital, which is to carry 5 *l. per Cent. per Ann.*

V. As to the twelfth article of this company's former proposal, relating to the circulating of 1,000,000 *l.* in *Exchequer* bills *gratis*, and likewise paying the interest for that million, so as no other *Exchequer* bills be issued than what shall be circulated by the credit of the *Exchequer*, without the aid of subscription or contract.

VI. And lastly, that this honourable House may be fully satisfied of the sincere intentions of this company, to use their best endeavours to take in all the said annuities for ninety nine and ninety six years, which amount to 667,705 *l.* 8 *s.* 1 *d.* *per Ann.* This company do farther humbly offer to give and pay into his Majesty's *Exchequer*, for the service of the public, by four equal quarterly payments, one year's purchase, upon all such of those annuities as shall happen not to come into the said company's capital, within the time aforesaid.

And whereas this company is very sensible, that the prosperity of the nation doth greatly depend upon the discharging the public debts, a motive, which induced them to make the first propositions of this public and beneficial nature, they do humbly submit these explanations and amendments to this honourable House, flattering themselves, that that readiness and cheerfulness that engaged them so much earlier than any other society, to endeavour to reduce that great debt, under which this nation is oppressed, will intitle them to the favour and preference of this House, since they are willing, and do hereby declare, they are ready to undertake this great work upon whatever terms may be offered by any other company.

By Order of the general Court.

Feb. 1. 1719.

John Fellows, Sub-Governor.

Charles Joye, Dep. Governor.

The

The second propofal of the bank of *England*.

The governor and company of the bank of England do humbly offer the following explanation of the propofal they delivered to this honourable Committee, the 27th of January laft.

I. **W**HEREAS in the third propofition it was computed, that the redeemable debts at 5 *l.* and 4 *l.* per Cent. per Annum, would amount to 15,900,000 *l.* or thereabouts, for which they offered 20 per Cent. The second propofal of the bank of *England*.

They now find that feveral of the faid debts do arife to a very confiderable fum more than was calculated, and will confequently increafe the total fum of this offer.

As for inftance, If the faid debts do amount to 600,000 *l.* more, in fuch cafe, the total of their offer will be 3,300,000 *l.* upon that Head.

II. Whereas they fay, in their fifth propofition, that all the feveral fums that fhall accrue by their propofal to the ufe of the public, may be applied to the difcharge of that part of the fund of the bank, that ftands now redeemable at one year's notice, their meaning is, that what fhall remain over and above fufficient for the difcharge of that fund, may be applied to the difcharge of any of the funds of 5 *l.* per Annum to be purchafed by virtue of this propofal.

III. In the eleventh propofition, where they mention the *long annuities*, they mean as well thofe for thirty two years as the longer terms.

IV. And whereas in the firft and fecond propofitions, it is implied, that the three years purchafe offered to the public, is not to be paid on fuch of the

annuities as shall not be taken in or agreed for, the said governor and company beg leave to observe to this honourable committee, that they have good reason to believe they shall be able to accomplish this undertaking.

However, that no doubt may remain of their sincere intentions, they are content to be obliged to offer to the several proprietors of the annuities of ninety six and ninety nine years, 1700 *l.* bank stock, for every 100 *l.* *per Annum*, who shall voluntarily agree for the same, on or before the 24th of *June*, 1720. and the like proportion for the remainder of the shorter terms.

By order of the general court of the governor and company of the bank of *England*.

February 1, 1719.

David le Gros, Secretary.

And whereas in the fourth proposition, the said governor and company do offer to have the several funds, to be now purchased, redeemable on the 24th of *June*, 1724, they do submit to the honourable committee this alternative, that the said funds may be actually reduc'd to 4 *per Cent.* on the 24th of *Jun.* 1727, and to be thenceforth redeemable by Parliament.

By order of the general court of the governor and company of the bank of *England*.

February 1, 1719.

David le Gros, Secretary.

These two different schemes occasioned a debate, in which Mr. *Robert Walpole* was the chief person who stood up for the bank ; but Mr. *Aislaby*, chancellor of the *Exchequer*, made it appear that the proposals of the *South-Sea* company were more advantageous to the public ; and it was at last resolved, That the proposals made by the *South-Sea* company be

be accepted. This resolution being the next day reported, was agreed to by the house, and Mr. *Farrer*, Mr. Chancellor of the *Exchequer*, Mr. Secretary *Craggs*, Mr. Chancellor of the *Dutchy*, Mr. Solicitor-General, Mr. *Lowndes*, and Mr. *Charles Stanhope*, were ordered to prepare and bring in a bill thereupon.

The *South-Sea* company's proposal accepted.

Feb. 3. The Commons, in a grand Committee, considered again of the proposal of the *South-Sea* company, and, after some debate, resolved, that the seventh article of the first proposal of the *South-Sea* company, (*viz.* That the present annuities for the company's present capital, and the annuities for the company's to be increased capital, be continued at the rates therein mentioned 'till *Midsummer* 1727, and that from and after that time, their then annuity for the whole capital shall be actually reduced to 4 *l. per cent. per annum*, and likewise be thenceforth redeemable by Parliament) be accepted: Which resolution being the next day reported, was agreed to by the house; and it was ordered, that a clause or clauses pursuant to the said resolution, be added to the bill to be brought in on the former resolution.

Feb. 15. The Commons, in a Committee of the whole house on the supply, came to a resolution, which was the next day reported by Mr. *Farrer*, and, with several amendments, agreed to by the house, as follows, *viz.* That in order to lessen the debts of this nation, a power be given to the Commissioners of his Majesty's treasury, or the high treasurer for the time being, at any time or times within one year, and from thence to the end of the next session of Parliament, and by such proportions at a time as he or they shall find to be most for the advantage of the

the public to make forth, or cause to be made forth, at the *Exchequer*, any number of new *Exchequer* bills, so as all the principal sums to be contained therein, do not, in the whole, exceed one million, (over and above the *Exchequer* bills mentioned in the proposition of the *South-Sea* company, accepted by the house;) and that the said new *Exchequer* bills may bear an interest not exceeding the rate of three pounds *per cent. per ann.* and that as well the money which was advanced by the *South-Sea* company for their additional stock, by means of the late subscriptions towards redeeming the lottery-annuities of the year 1710, and doth now remain in the *Exchequer*; as also the surplus monies arising quarterly upon the several funds, called the *aggregate fund*, and the *fund of the South-Sea company*, and of the revenues charged with the fund, called the *general yearly fund*, as also the overplus of the same *general fund*, when such overplus shall happen, (after the sum of 520000*l.* according to an act of the fifth year of his Majesty's reign, shall be applied for discharging and cancelling such *Exchequer* bills as are therein mentioned) be made a fund or security for answering all demands of principal and interest, upon the said new *Exchequer* bills, which shall be authorized to be made forth as aforesaid, and that the said Commissioners of the treasury, or high-treasurer for the time being, be also impowered to issue the said new *Exchequer* bills, by way of loan or advance, to the corporation of the governor and company of merchants of *Great-Britain* trading to the *South-Sea* and other parts of *America*, and for encouraging the fishery, or to some person or persons in trust for them, the said corporation giving security upon their present, or to be increased annuity, or weekly payment out of the *Exchequer*, for the repayment of the principal sums so lent, with an interest
not

not exceeding the rate of 5 *l. per cent. per annum*, taking care that upon repayment of the said principal, the same with the interest accruing thereupon, be replaced in the *Exchequer* upon the same funds or heads of remains there, from which the said principal shall have been taken, and be applied towards discharging national debts and incumbrances incurred before the 25th of *December* 1716, according to such act or acts of Parliament as shall be made in that behalf, and not otherwise; and that a just account be made to the public of the monies so employed, and the increase thereof: And a bill was ordered to be brought in upon the said resolution.

Feb. 17. In a grand Committee on ways and means for raising the supply, it was resolved, that such of the duties and revenues for answering the respective annuities or payments which shall become payable to the *South-Sea* company, pursuant to their proposals accepted by this house, as are now temporary, be made perpetual, subject nevertheless to redemption by Parliament, according to the tenor of the said proposals: Which resolution was the next day reported and agreed to by the house, and a clause was ordered to be brought in thereupon, and inserted in the bill relating to the public debts: And then the call of the house was farther adjourned to that day seven-night.

Feb. 22. The Commons received a message from the Lords, that their Lordships had passed a bill, intituled, *An Act for the better securing the dependency of the kingdom of Ireland upon the crown of Great-Britain*, which the Commons read the first time, and ordered it to be read a second time on that day seven-night; when the same was put off 'till the 4th of *March*.

March

Debate in
the house of
Commons
on the bill
for securing
the depen-
dency of
Ireland.

March 4. The engrossed bill from the Lords, intituled, *An act for the better securing the dependency of the kingdom of Ireland upon the crown of Great-Britain*, was read a second time; and a motion being made for committing it to a Committee of the whole house, it occasioned a debate. Mr. *Pitts* first spoke against the bill, saying, it seemed calculated for no other purpose than to increase the power of the *British* house of Peers, which, in his opinion, was already but too great. He was seconded by Mr. *Plummer*, who excepted against the preamble of the bill, as incoherent with the enacting part: Which was partly owned by Sir *Joseph Jekyll*, who, in the main, spoke for the bill. Mr. *Hungerford*, on the contrary side, endeavoured to shew, that *Ireland* was ever independent, with respect to courts of judicature: And he was supported by the Lord *Molesworth*, the Lord *Tyrconnel*, (two *Irish* Peers) and some other members: But *Philip Yorke*, Esq; having backed the master of the rolls; the question being put upon the motion, was carried in the affirmative, by a majority of 140 votes against 83, and so the bill was committed to the grand Committee of the whole house: But this bill being an affair of great importance, both in itself and the consequences that may attend it, we will endeavour to set it in a true light, and to that end deduce it from its original.

A narrative
of the affair
which gave
occasion to
bring in this
bill.

On the 6th of *February*, 17¹⁶/₁₇, the *British* house of Peers, upon a report from a Committee of the whole house, to whom it had been referred to consider by what methods the order of the house, for restoring possession to *Maurice Annesley*, Esq; of an estate in *Ireland*, of which he had been dispossessed, pending his appeal in the house of Peers here, (which appeal the said house received the

the 8th of June, 1717) might most properly be enforced and executed; ordered, that the Barons of the court of *Exchequer*, in *Ireland*, should cause the said *Maurice Annesley*, Esq; to be forthwith restored to the possession of the lands of which he was dispossessed. This order was, by the Lord Chancellor of *Great-Britain*, transmitted to the Lord Chief Baron in *Ireland*, to be, by him, communicated to the rest of the Barons, who, on the 15th of March, 17¹⁷/₁₈, caused an injunction to be issued out, directed to *Alexander Burrowes*, Esq; Sheriff of the county of *Kildare*, pursuant to an order of the said court of *Exchequer*, of the 19th of February, requiring him to restore *Maurice Annesley*, Esq; to the possession of the lands in that county whereof *Hester Sherlock* was then actually possessed, by virtue of an order of the house of Lords of *Ireland*, dated the 3^d of October, 1717. The High Sheriff having refused to execute the said injunction, conceiving it to be a breach of the order, and of the rights and privileges of the *Irish* house of Peers, had several fines set upon him by the Barons of the *Exchequer*; and on the other hand, the house of Peers of *Great-Britain*, upon report from the Lords Committees, appointed to enquire into the reason of the delay, in not obeying the orders of this house, relating to the appeal of *Maurice Annesley*, Esq; and how the same might more properly be enforced: Ordered, January the 23^d, 17¹⁸/₁₉, that the Barons of the court of *Exchequer*, in *Ireland*, be directed to proceed by the most speedy and effectual methods, to cause possession of the estate of the said *Maurice Annesley*, as required by order of this house of the 6th of February last, to be restored to him. At the same time their Lordships ordered, that the Barons of the *Exchequer*, in *Ireland*, should cause the respondent, *Hester Sherlock*, to account before them, upon oath,

oath, for the rents and profits of the estate in question, which she had made or received, since her gaining the possession thereof, by the orders of the house of Lords in *Ireland*, and to answer and pay the same to the appellant, *Maurice Annesley*, Esq; but without prejudice to the right, in case of an appeal to be brought by either party, from the decree of the court of *Exchequer*, in *Ireland*. These two orders having, by the Lord Chancellor of *Great-Britain*, been transmitted to the Barons of the *Exchequer*, in *Ireland*, commanding them to return, as soon as they could, an account of what should be done therein; the said Barons thereupon ordered, *February* the 4th, 1718-9, that the injunction of that court should forthwith issue, directed to the said *Hester Sherlock*, and to the several and respective tenants of the lands in question; requiring them quietly to restore, to the said *Maurice Annesley*, the possession of the town and lands of *Little Rath*, *Bodingstown*, *Dar*, and *Mullenafooky*, lying in the county of *Kildare*. By virtue of this order or injunction, Mrs. *Hester Sherlock* was dispossessed of these lands: And, on the other hand, upon the petition of *Alexander Burrowes*, Esq; to the house of Lords of *Ireland*, their Lordships appointed a Committee to enquire into that matter. Their report being read and agreed to, on the 28th of *July* 1719, their Lordships thereupon came to the following resolutions, *viz.*

Resolution
of the house
of Lords of
Ireland in
the case of
Sherlock and
Annesley.

I. That *Alexander Burrowes*, Esq; late High Sheriff of the county of *Kildare*, has fully proved the allegations of his petition, to the satisfaction of this house.

II. That the said *Alexander Burrowes*, Esq; in not obeying the injunction issued forth out of his Majesty's court of *Exchequer*, dated the 22d of *February*, 1717, in the cause between *Sherlock* and *Annesley*, has behaved himself with integrity and courage,

courage, and with due respect to the orders and resolutions of this house.

III. That the fines imposed upon *Alexander Burrowes*, Esq; by the court of *Exchequer*, amounting to seventy seven pounds, for not returning the writ of injunction, in the cause between *Sherlock* and *Annesley*, be taken off without fees.

IV. That the fines imposed upon *Alexander Burrowes*, Esq; by the court of *Exchequer*, for not entering on his accounts, amounting to twelve hundred pounds, and upwards, be taken off, when he shall have made a just account, without other fees, than such as are usual on passing Sheriff's accounts.

V. That the Lord Chief Baron, and the other Barons of the court of *Exchequer*, had due notice of the resolutions of this house, made the 11th of *February*, 1703, in the cause of the Earl of *Meath* and Lord *Ward*, before they made an order for an injunction, to put *Maurice Annesley* into possession.

VI. That the Lord Chief Baron, and the other Barons of the court of *Exchequer*, had due notice of the order of this house of the 3d of *October*, 1717, in the cause of *Sherlock* and *Annesley*.

VII. That *Jeffery Gilbert*, Esq; Lord Chief Baron of his Majesty's court of *Exchequer*, in the proceedings in the cause between *Sherlock* and *Annesley*, as also against *Alexander Burrowes*, Esq; late High Sheriff of the county of *Kildare*, has acted in direct violation of the orders and resolutions of this house.

VIII. That *Jeffery Gilbert*, Esq; Lord Chief Baron of his Majesty's court of *Exchequer*, in the proceedings

proceedings in the cause between *Sherlock* and *Annesley*, as also against *Alexander Burrowes*, Esq; has acted in manifest derogation to, and diminution of, the King's prerogative of finally judging in his high court of Parliament, in *Ireland*, as also of the rights and privileges of this kingdom, and of the Parliament thereof.

IX, X, XI, XII. The like resolutions, *mutatis mutandis*, in relation to *John Pocklington*, Esq; and Sir *John St. Leger*, Kt. the other Barons of the *Exchequer*, in *Ireland*.

XIII. Resolved, *nemine contradicente*, that it is the duty of the Barons of the *Exchequer*, where there is any wrong or prejudice done to the King, in matters lying before them, to inform the King, or the Chief Governor or Governors of this kingdom, or the Council.

XIV. Resolved, that the case of *Sherlock* and *Annesley*, as it lately lay before the Barons of the *Exchequer*, being matter not only of law, but of state, ought to have been laid before the King, the Chief Governor or Governors of this kingdom, or the Council of the same: It so nearly concerning his Majesty's prerogative, and the interest of the whole kingdom.

XV. Resolved, that *Jeffery Gilbert*, Esq; Lord Chief Baron of the court of *Exchequer*, *John Pocklington*, Esq; and Sir *John St. Leger*, Kt. Barons of the same, in their proceedings in the cause between *Sherlock* and *Annesley*, and against *Alexander Burrowes*, Esq; late Sheriff of the county of *Kildare*, have acted contrary to law, and to the established practice of the King's courts.

XVI. Re-

XVI. Resolved, that *Jeffery Gilbert*, Esq; Lord Chief Baron of the court of *Exchequer*, having taken upon him to put in execution a pretended order from another court, contrary to the final judgment of this high court of Parliament, in the cause between *Sherlock* and *Annesley*, is a betrayer of his Majesty's prerogative, and the undoubted ancient rights and privileges of this house, and of the rights and liberties of the subjects of this kingdom.

XVII, XVIII. The like resolution of *John Pocklington*, Esq; second Baron, and Sir *John St. Leger*, Kt. third Baron.

It is ordered by the Lords spiritual and temporal in Parliament assembled, 1st, That the right honourable *Jeffery Gilbert*, Esq; Lord Chief Baron of the court of *Exchequer*, shall, for the said offences, be taken into the custody of the Gentleman-usher of the black-rod attending this house.

2^{dly}, 3^{dly}. The like order for *John Pocklington*, Esq; and Sir *John St. Leger*.

From these resolutions and orders several Lords dissented, and to each of them signed their names as dissentient, viz.

<i>Jo. Meath.</i>	<i>Fitz-Williams.</i>	<i>Middleton, Canc.</i>
<i>Welbore, Kildare.</i>		<i>Doneraile.</i>
<i>Henry Killalla and Achonry.</i>		<i>Will. Derry.</i>
<i>Timo. Kilmore and Ardagh.</i>		

On the 10th of *August*, the Lords of *Ireland* ordered the foregoing resolutions and orders to be printed and published; as they did, *Nov. 2, 1719*, their humble representation to the King, which was reprinted in *London* as follows:

The repre-
sentation of
the house of
Lords of Ire-
land con-
cerning the
jurisdiction
of their
house.

Most gracious Sovereign,

‘ **I**T is with the greatest concern, that we, your
‘ Majesty’s most dutiful and loyal subjects, the
‘ Lords spiritual and temporal in Parliament affem-
‘ bled, do find ourselves under a necessity of making
‘ this our humble representation to your Majesty.

‘ It evidently appears, by many ancient records, and
‘ fundry acts of Parliament passed in this kingdom,
‘ and particularly by one in the eleventh of Queen
‘ *Elizabeth*, intituled, *An act for attainder of Shane*
‘ *O Neil, &c.* That the Kings, with all the Princes
‘ and men of value of the land, did of their own good
‘ wills, and without any war or chivalry submit them-
‘ selves to your Majesty’s royal ancestor King Henry
‘ the second; took oaths of fidelity to him, and became
‘ his liege subjects: Who (as it is asserted by the
‘ Lord Chief Justice * *Coke*, and others) did ordain
‘ and command, at the † instance of the Irish, that
‘ such laws as he had in England, should be of force
‘ and observed in Ireland. By this agreement, the
‘ people of Ireland obtained the || benefit of the
‘ English laws, and many privileges, particularly
‘ that of having a distinct Parliament here, as in
‘ England, and of having § weighty and momentous
‘ matters, relating to this kingdom, treated of, discussed,
‘ and determined in the said PARLIAMENT.
‘ This concession and compact, thus made, and
‘ afterwards, by succeeding kings, confirmed to
‘ the people of this land, in process of time prov-
‘ ed a great encouragement to many of the English
‘ to come over and settle themselves in Ireland,
‘ where they were to enjoy the same laws and li-
‘ berties, and live under the like constitution as

* *Coke’s 4th Instit. Page 349.*

† *Matth. Paris, Ann. 1172. Page 105.*

|| *Coke’s 4th Instit. Page 350.*

§ *Pryn on 4th Instit. Page 287. Anno 31, Ed. 3.*

‘ they had formerly done in the kingdom of *Eng-*
‘ *land* ; which, through God’s good providence,
‘ has proved a means of securing this kingdom to
‘ the crown of *England*, and we trust will do so
‘ to all futurity. By this happy constitution, and
‘ these privileges, by us, for so many years, en-
‘ joyed, the *English* subjects of this kingdom have
‘ been enabled faithfully to discharge their duty to
‘ the crown of *England*, and vigorously set them-
‘ selves, upon all occasions, to assert the rights
‘ thereof against all the rebellions which have been
‘ raised by the *Irish* enemies. And therefore we
‘ your Majesty’s loyal subjects do, with all submis-
‘ sion to your Majesty, insist upon them, and hope,
‘ through your Majesty’s goodness, to have them
‘ preserved inviolable.

‘ And we beg leave to represent to your Ma-
‘ jesty, that though the * *imperial crown* of this
‘ realm was formerly inseparably annexed to the
‘ *imperial crown* of *England*, and is now to that
‘ of *Great-Britain* ; yet this kingdom † *being of*
‘ *itself a distinct dominion, and no part of the king-*
‘ *dom of England*, none can determine concerning
‘ the affairs thereof, unless authorized thereto by
‘ the known laws and customs of this kingdom,
‘ or by the express consent of the King : And as
‘ your royal ancestors have always enjoyed the
‘ right and power of determining all matters that
‘ related only to this kingdom, by their royal au-
‘ thority in their Parliaments held here ; so we
‘ humbly hope your Majesty will always look on
‘ this right as a most valuable jewel of your crown,
‘ which none should presume to touch without
‘ your Majesty’s consent. And that your Ma-
‘ jesty will graciously allow us to represent it as
‘ an invasion of your prerogative, and a grievance
‘ to your loyal subjects in this kingdom, that any

* *Anno 2 Eliz. Page 214. C. 5. C. 7. Page 218.*

† *Coke’s 4th Instit. Page 349.*

‘ court of judicature should take upon them to de-
 ‘ clare, that your Majesty cannot determine all
 ‘ controversies between your subjects of this king-
 ‘ dom, and about matters relating wholly to the
 ‘ same, by your royal authority in your Parliament
 ‘ summoned to meet here ; or that your subjects of
 ‘ *Ireland*, appealing to your Majesty in your Parlia-
 ‘ ment in *Ireland*, in matters wholly relating to this
 ‘ kingdom, do bring their cause before an incom-
 ‘ petent judicature.

‘ We have, may it please your sacred Majesty,
 ‘ endeavoured, with our utmost care, to enquire
 ‘ into the grounds of all such appeals or removals
 ‘ of causes from this kingdom, as have at any
 ‘ time been made into *England*, and are persuaded,
 ‘ that such usages have been introduced by slow
 ‘ degrees. At first the judges here being to deter-
 ‘ mine the causes that came before them, by the
 ‘ common law of *England*, and sometimes not
 ‘ knowing well the usages there, applied to *Henry*
 ‘ the third, their then King, for information ;
 ‘ who gave them an * account what the common
 ‘ law and custom of *England* in like cases was :
 ‘ And this, undoubtedly, by the advice of the Ju-
 ‘ stices of the *King’s-Bench*, who then were obli-
 ‘ ged to attend the King wherever he † should be :
 ‘ And in process of time, when his successors had
 ‘ settled the court of *King’s-Bench* after another
 ‘ manner, and had forborn to sit there them-
 ‘ selves in person, the application, which former-
 ‘ ly used to be made to the King, who presided
 ‘ in that court, came of course to be brought be-
 ‘ fore the Justices of the court, although the King
 ‘ was not there personally present ; and this, as
 ‘ we conceive, gave rise to that custom of remov-
 ‘ ing causes, by writs of error, from the *King’s-*
 ‘ *Bench* in *Ireland* to the *King’s-Bench* in *England*.

* 14 Hen. III. Stat. Hibern. made at Westminster.

† 28 Ed. I. Cap. 5.

‘ But from hence to infer, that therefore appeals
‘ from the Parliament of *Ireland* may be brought
‘ before the house of Peers in *England* or *Great-*
‘ *Britain*, is a consequence for which there appears
‘ to be no manner of ground.

‘ As for the practice of appealing from the high
‘ court of *Chancery* in *Ireland* to the Lords of
‘ *Great-Britain*, we can find but two precedents
‘ of such appeals before the late happy revolution,
‘ one in 1670, and the other in 1679; and we
‘ can account for them no otherwise, than by ob-
‘ serving, that they happened at a juncture when no
‘ opposition could be given them from this king-
‘ dom; because, thro’ the prevalency of a popish
‘ interest, no Parliament had been held there for
‘ some years before, nor were we then in any
‘ likelihood of having any called here for many years
‘ to come: Nor can we find that any like subse-
‘ quent appeals from that court have any other foun-
‘ dation than those two precedents.

‘ And such appeals (tho’ they had been of longer
‘ standing, and better founded) yet were never sup-
‘ posed to preclude the King’s Majesty from his
‘ right of giving redress to his subjects of *Ireland*,
‘ in his Parliament when assembled here, any more
‘ than writs of error to the *King’s-Bench* in *England*,
‘ had hindered the like writs from being returnable
‘ in the Parliament here.

‘ And accordingly, when by God’s blessing on
‘ the late happy revolution, this kingdom came
‘ to have a Parliament, after twenty-six years in-
‘ termission, complaints were heard, writs of error
‘ and appeals were received, and proper orders
‘ were made thereupon as formerly; nor were
‘ they, as far as we can find, ever questioned, or
‘ their validity doubted, till the year 1699, when
‘ two appeals from the Parliament here, were car-
‘ ried before the Lords in *England*, though no
‘ pleadings to the jurisdiction of the Parliament

‘ of *Ireland* had been offered or mentioned by either
‘ party, on hearing the said causes here.

‘ And though the Parliament of *Ireland* could not
‘ then interpose, or any ways assert their jurisdiction,
‘ because it was not sitting; yet the Lords of *Eng-*
‘ *land* declared the said causes to be *coram non Ju-*
‘ *dice*; and, without hearing the merits of the causes,
‘ reversed the decrees that had been made here.

‘ Upon which occasion we cannot but observe,
‘ that the Parliament of *Ireland* (as the constitu-
‘ tion thereof has been for some hundreds of
‘ years) being convened by the same authority
‘ and writs of summons, and consisting of like
‘ members, and distinct houses of PEERS and
‘ COMMONS; and the former having the
‘ same assistance and attendance from the Judges
‘ of the several courts and masters of *Chancery*,
‘ as in *England* or *Great-Britain*; either some re-
‘ cord, act of Parliament, or ancient usage must
‘ be shewn, whereby to make a difference (which
‘ has never yet been attempted) or else from our
‘ very constitution it must, as we conceive, ap-
‘ pear, that whatever power of judicature is lodg-
‘ ed in the *English* or *British* Parliament, with
‘ respect to that kingdom, and its inferior courts,
‘ the same must also be allowed to be in the Par-
‘ liament of *Ireland*, with like respect to the
‘ kingdom and courts thereof. And if it be look-
‘ ed upon as illegal, for any inferior court in
‘ *Great-Britain* to act in direct opposition to, or
‘ contempt of the orders and decrees of the house
‘ of Lords in Parliament there assembled; the same
‘ must also be concluded upon the like opposition
‘ given, or contempt shewn to such parliamentary
‘ orders and decrees, as are or shall be made within
‘ this kingdom.

‘ And therefore, in the year 1703, when a Par-
‘ liament of *Ireland* met, on a complaint of *Ed-*
‘ *ward*

ward Earl of *Meath*, and *Cecilia* Countess of *Meath*, his wife, setting forth, That, during the interval of Parliament, they had, by order of the Lords in *England*, been dispossest'd of the lands that had been here decreed them: The said Parliament unanimously restored the said Earl and Countess to the lands they had been so dispossest'd of, so effectually, that neither they, nor their heirs, have been disturb'd in the possession of them.

And we may very justly conclude, from the strong resolutions in which the Parliament here did, on that occasion, assert their jurisdiction, that they would have proceeded as effectually in vindicating the decree on the other appeal, if the removal of the Lord Bishop of *Derry*, the appellant here, and a composition made by his successor with the *Irish* society of *London-derry*, the appellants in *England*, had not prevented it.

After the time of those two appeals, several writs of error and appeals were brought into your Parliament in this kingdom; (and among them, an appeal, wherein *Maurice Annesley*, Esq; was respondent,) which were determined; and the judgment given on them took effect accordingly. But the same *Maurice Annesley* being respondent in an appeal brought lately from the Chancery of the *Exchequer*, before the Parliament of *Ireland*, by *Esther Sherlock*, appellant; after having appeared to the jurisdiction here, appeal'd to the Lords of *Great-Britain*, from a decree made here in justice to the appellant *Esther Sherlock*; and found such countenance there, as has given your loyal subjects just reason to complain of much injury, done both to your Majesty's prerogative and their privileges.

For it having (after a full and fair hearing) been decreed in your Majesty's Parliament of *Ireland*, and accordingly ordered, That the appellant, *Esther Sherlock*, should be put into possession of certain lands in the said order named, until she should

‘ receive thereout a certain sum of money, to her
 ‘ decreed to be due and chargeable on the said lands ;
 ‘ and the said decree and order having accordingly
 ‘ been obey’d, and put in execution by the then High
 ‘ Sheriff of the county of *Kildare*, to whom the said
 ‘ order was directed ; and the said *Esther Sherlock*
 ‘ being accordingly in the actual possession of the
 ‘ said lands ; the Lord Chief Baron, together with
 ‘ the other Barons of your Majesty’s court of *Exche-*
 ‘ *quer* in this kingdom, have taken upon them, in
 ‘ an illegal and unprecedented manner, to cause the
 ‘ said *Esther Sherlock* to be dispossessed of the said
 ‘ lands, and to lay several great fines upon the late
 ‘ High Sheriff of the said county of *Kildare*, for re-
 ‘ fusing to give obedience unto the orders of them,
 ‘ the said Barons, in that case issued ; although their
 ‘ said orders were manifestly contrary to the laws,
 ‘ customs, and ancient usages of this your Majesty’s
 ‘ kingdom, as well as to the above-mentioned reso-
 ‘ lutions formerly made in the case of the late Earl
 ‘ of *Meath*, and continuing upon record in the jour-
 ‘ nals of Parliament : Of which resolutions, as well
 ‘ as of the several resolutions and decrees in like man-
 ‘ ner made upon the appeal of the said *Esther Sher-*
 ‘ *lock*, the said Barons had sufficient and timely no-
 ‘ tice, before their issuing of any of their above-men-
 ‘ tioned illegal orders, as in a report of this whole
 ‘ proceeding, now also entered in the journals of
 ‘ Parliament (a copy whereof we herewith humbly
 ‘ lay before your Majesty) may more fully and at
 ‘ large appear.

‘ Hereupon, we humbly crave leave to represent
 ‘ unto your Majesty, that although appeals from the
 ‘ courts of equity in this kingdom, to the Lords
 ‘ of *England* or *Great-Britain*, are but a very late
 ‘ practice (as we have already set forth ;) yet in all
 ‘ such cases, it has been the constant and received
 ‘ practice here, that no copy of any order of the said
 ‘ Lords was ever allowed, or demanded to be al-
 ‘ lowed

' lowed as authentic, in any such court, except the
 ' same were expressly directed unto the court which
 ' was to put the same in execution, and prov'd by a
 ' witness *viva voce* upon oath, to be a true copy of
 ' the original order : Nor does it appear, that any
 ' such court ever claim'd or pretended to any autho-
 ' rity to supply any defects suppos'd, at any time,
 ' to be in any such order ; or by virtue of such or-
 ' der, in the least, to go beyond what expressly, and
 ' in words, was in such order contain'd. And yet so
 ' it is, that although the only pretence of the said
 ' Barons for these their illegal proceedings, is ground-
 ' ed upon certain copies of orders, or pretended or-
 ' ders, from the Lords of *Great-Britain* ; yet nei-
 ' ther were the said orders, or any of them, directed
 ' to the court of Equity, or Chancery-side of the
 ' *Exchequer*, (where the cause originally lay, and
 ' from whence the appeal was) but only to the Lord
 ' Chief Baron, and other Barons, which is the style
 ' of the common law side thereof : Nor were the
 ' said copies, or any of them, in manner aforesaid,
 ' prov'd to agree with the original orders. Neither
 ' were the names of any lands, or so much as of any
 ' country inserted in the said copies, or any of them.
 ' And yet, notwithstanding all these notorious de-
 ' fects and nullities of the said pretended orders, the
 ' said Barons have proceeded, not only in their own
 ' names, to whom the said pretended orders were di-
 ' rected, but also in the names of the Chancellor and
 ' Treasurer of the court of *Exchequer* (to whom the
 ' said orders were no way directed) to issue forth se-
 ' veral injunctions and orders ; and therein, without
 ' any warrant for so doing, to insert the names of
 ' lands, and of the county wherein they are suppos'd
 ' to lie, in order to dispossess the said *Esther Sherlock*
 ' of the lands whereof she had been put in possession,
 ' as is herein above-mention'd.

' And that your Majesty may be yet more fully
 ' appriz'd of the arbitrariness, as well as illegality,

lity, of the proceedings of the said Barons, we farther, in an humble manner, lay before your Majesty, That whereas, amongst other rules of practice in all your Majesty's courts throughout this your kingdom, by ancient law and custom establish'd, it is universally receiv'd, that every order, or rule of court, ought to be made upon the motion of some counsel or attorney, or other person by law or custom allow'd to make such motion : That no injunction or writ ought to issue out of any of your Majesty's courts (except in the crown's cause) without the name of a fix-clerk or attorney thereunto subscrib'd, who is to be accountable unto every Person who, through any undue practice of his, shall be aggrieved by such writ or injunction ; and that no proceedings shall be grounded upon any written affidavit, which is known to be either false or defective in any material part thereof, except such defect be first supply'd, or falsity expung'd : The said Barons, in these their proceedings, have acted in open violation of these, as well as other rules, which, by the law, they ought to have observ'd and strictly kept to : The Barons having order'd an injunction to issue for the dispossessing of the said *Esther Sberlock*, without any motion for the same, made either by counsel or attorney, or by any other person, except what was offer'd in Court by the said Lord Chief Baron himself : The said injunction also having no name of any attorney thereunto affix'd or subscrib'd ; and the affidavit of *John Annesley* (upon which the said Barons afterwards proceeded to fine the said late High Sheriff) having several notorious falsities in it ; of which, though the said Barons were publicly advertised, at the time when the said affidavit was read in open court, yet they took on them to act thereupon, without causing the same to be rectify'd, or the said falsities to be expung'd or alter'd.

And

‘ And although the said orders from the Lords in
‘ *Great-Britain* expressly required no more, but that
‘ *Maurice Annesley* should be restored to the posses-
‘ sion of those lands, of which the said *Maurice* was
‘ dispossess’d, pending the appeal before the said
‘ House ; yet the said Barons, in their said injuncti-
‘ on, not only ordered possession of certain lands by
‘ name, to be given to the said *Annesley*, as is al-
‘ ready mentioned, but also grounded this their in-
‘ junction upon an affidavit, wherein it is not so
‘ much as alledged, that the said *Maurice* was at all
‘ possess’d or dispossess’d of any lands whatsoever,
‘ pending the said appeal.

‘ And whereas it is the duty of the Barons of your
‘ Majesty’s court of the *Exchequer* in this kingdom,
‘ and a part of the oath by each of them taken at
‘ their entrance upon their said office, That *where*
‘ *they may know any wrong or prejudice to be done to*
‘ *the King, they shall put and do all their diligence that*
‘ *to redress ; and if they may not do it, that they shall*
‘ *tell it to the King, or them of his council, or to the King’s*
‘ *Majesty’s Lieutenant, or other chief Governor or Go-*
‘ *vernors of this realm for the time being :* So far have
‘ the said Barons, in the present case, been, from do-
‘ ing all their diligence to redress the wrong or pre-
‘ judice done to your Majesty’s prerogative of finally
‘ determining, in your Parliament here, matters re-
‘ lating wholly to this your kingdom, that they seem
‘ to have acted with great diligence and zeal in di-
‘ rect opposition thereto, and to have taken such
‘ measures, as will, in effect, establish a jurisdiction
‘ superior to that which your Majesty undoubtedly
‘ has in your High Court of Parliament in this king-
‘ dom : Nor does it in the least appear, or is it at
‘ all pretended, that the said Barons, or any of them,
‘ during all the above-mentioned proceedings, did
‘ ever tell, or make known the same, either to your
‘ Majesty’s Lieutenant, or other chief Governor or
‘ Governors, or to your Majesty’s Privy-Council :
‘ Who,

‘ Who, if they had been timely acquainted there-
 ‘ with, might, according to their duty, have made
 ‘ the same known to your Majesty, or otherwise have
 ‘ done what was fit and proper for the supporting
 ‘ your Majesty’s royal prerogative, and defending
 ‘ the just rights and privileges of this your Parliament
 ‘ and people.

‘ And here we beg leave to lay before your Ma-
 ‘ jesty some of the many evil consequences, which
 ‘ we apprehend must necessarily follow from such
 ‘ exorbitant practices as these, if a timely and effec-
 ‘ tual stop be not put to them.

‘ It is the right and happiness of the subjects of
 ‘ this kingdom, as well as of those of *Great-Britain*,
 ‘ that by their respective constitutions, the admini-
 ‘ stration of justice is near at hand, and within the
 ‘ kingdom whereunto they belong ; so that if any of
 ‘ your Majesty’s liege people are, at any time,
 ‘ wrong’d or oppress’d in any of the courts of law or
 ‘ equity, they may, without any great trouble or
 ‘ expence, have recourse to your Majesty in your
 ‘ High Court of Parliament, where they may assure
 ‘ themselves of speedy redress. But if this your Ma-
 ‘ jesty’s highest court within this kingdom, is de-
 ‘ priv’d of the power of finally determining the cau-
 ‘ ses which come before them, all such of your sub-
 ‘ jects as do not abound in wealth, and thereby are
 ‘ not able to follow their causes, or bear the expence
 ‘ of them in *Great-Britain*, will be under a perpe-
 ‘ tual necessity of sitting down with the greatest wrong
 ‘ or oppression, which, at any time, under the co-
 ‘ lour of justice, or by the management of rich and
 ‘ potent adversaries, may be laid upon them ; which
 ‘ (considering the poverty that every where prevails
 ‘ throughout this kingdom) must, if not prevented in
 ‘ a short time, become a most grievous and intolerable
 ‘ evil. And your Majesty’s royal predecessor,
 ‘ *Edward* the Third, was so sensible of the hardships
 ‘ that his loyal subjects of this kingdom suffer’d, for

‘ want of having a means of reversing erroneous
 ‘ judgments within the kingdom, that by his char-
 ‘ ter, dated *August* the 30th, in the 29th year of his
 ‘ reign, on the complaint of his subjects of *Ireland*,
 ‘ he commanded all his judges and ministers, before
 ‘ whom any process should be held, at the prose-
 ‘ cution of the parties aggrieved, *To return the rolls*
 ‘ *of the records and processes into the Parliaments to be*
 ‘ *held in the kingdom of Ireland*; and that the re-
 ‘ cords and processes should be recited and examin’d,
 ‘ and the errors (if any should be found in them)
 ‘ duly corrected *.

‘ It is, under God, the great Security of this your
 ‘ Majesty’s kingdom of *Ireland*, that by the laws
 ‘ and statutes thereof, the same is annexed and uni-
 ‘ ted to the imperial crown of *England*, and declared
 ‘ to be depending upon, and for ever belonging
 ‘ to the same: But if all judgments, decrees, and de-
 ‘ terminations, made in this your Majesty’s highest
 ‘ court, within this your kingdom, are subject to be
 ‘ null’d and revers’d by the Lords in *Great-Britain*,
 ‘ the liberties and properties of all your subjects of
 ‘ *Ireland*, must thereby become finally dependent
 ‘ on the *British* Peers, to the great diminution of
 ‘ that dependence, which, by law, we always ought
 ‘ to have immediately upon the Crown itself.

‘ That your Majesty has, by the Constitution of
 ‘ this your realm of *Ireland*, the full power of judg-
 ‘ ing and determining all causes that belong to it a-
 ‘ lone *in pleno Parlamento*, is what no Man hitherto
 ‘ has ventur’d openly to deny or doubt of.

‘ But if in all cases that relate to this kingdom,
 ‘ the *dernier Ressort* (as some of late have affected to
 ‘ speak) ought to be to the House of Lords in *Great-*
 ‘ *Britain*; however this your Majesty’s power may
 ‘ still in words be acknowledg’d, the force and effect

* *Prynne on 4th Inst.* page 287. *Anno 29 Ed. 3. Edwardus, Dei Gra-*
tia, &c.

‘ of it is, in reality, taken away, and wholly vested
 ‘ in the *British* Peers.

‘ And we cannot but observe, with the utmost
 ‘ concern, That by this practice of the Peers of
 ‘ *Great-Britain*, just and unjust causes will meet with
 ‘ equal encouragement : For however rightly such
 ‘ causes may be determined in Parliament here, the
 ‘ decrees will be annull’d and revers’d by the Peers
 ‘ of *Great-Britain*, without hearing or entering into
 ‘ the merits of the cause, upon pretence, that the
 ‘ proceedings were *coram non judice*.

‘ The writs for summoning the Lords Spiritual
 ‘ and Temporal, and electing the Commons to as-
 ‘ semble in Parliament here, being the very same
 ‘ with those in *England* or *Great-Britain*, as has been
 ‘ before observed, either the respective powers in
 ‘ each kingdom must still be the same, or else the
 ‘ PEERAGE of this your Majesty’s kingdom must
 ‘ remain little more than an empty title, and the
 ‘ COMMONS thereof stand for ever deprived of
 ‘ that most valuable privilege of impeaching in Par-
 ‘ liament, which cannot possibly be maintained, if
 ‘ there be no such thing as a Parliamentary judicature
 ‘ within this realm ; and if the power of judicature
 ‘ may, by a vote of the *British* Lords, be taken a-
 ‘ way from the Parliament of *Ireland*, no reason can
 ‘ be given, why the same Lords may not in the
 ‘ like manner deprive us of the benefit of our whole
 ‘ constitution.

‘ It is notorious, That the Lords of *Great-Britain*
 ‘ have not *in themselves*, either by law or custom,
 ‘ any way of putting their decrees in execution with-
 ‘ in this kingdom ; of which they have given most
 ‘ undoubted evidence, by their late application to your
 ‘ Majesty, to cause such their decrees to be executed
 ‘ by an extraordinary interposition of your royal
 ‘ power. And should your Majesty think fit to
 ‘ yield to this their desire, we humbly presume to
 ‘ think

‘ think it would highly affect the liberty of your
‘ Majesty’s loyal subjects of this kingdom.

‘ In order to prevent the appellant, *Esther Sher-*
‘ *lock*, above mention’d, from making any farther
‘ application to your Parliament here, your Maje-
‘ sty’s deputy-receiver, *John Pratt*, Esq; thought fit
‘ to pay above 1800 l. to the said *Esther Sherlock*,
‘ which, on examination, he alledged to be his own
‘ Money; and that he made an agreement with the
‘ said *Esther*, of himself, without any order from
‘ any person whatsoever: But that from some con-
‘ versation which he had with persons of judgment,
‘ he thought he had reason to hope and expect, that
‘ since what he had done was for the public good,
‘ the government would not permit him to be a suf-
‘ ferer. What particular grounds the said *John*
‘ *Pratt* had thus to hope and expect, has not as yet
‘ been made known to us: But if such hopes and
‘ expectations as these, are from time to time to be
‘ satisfy’d, we leave your Majesty, in your royal
‘ wisdom, to judge what the evil consequences there-
‘ of may be.

‘ And we farther humbly represent to your Ma-
‘ jesty, That these proceedings of the Lords of *Eng-*
‘ *land* have greatly embarrass’d your Parliament, and
‘ disquieted the generality of your most loyal Prote-
‘ stant subjects of this your kingdom, and must of ne-
‘ cessity bring all sheriffs and officers of justice under
‘ great hardships, by reason of the clashing of diffe-
‘ rent jurisdictions. Nor can we but with grief ob-
‘ serve, that whilst many of the Peers and Com-
‘ mons who sat in Parliament were Papists, their ju-
‘ dicature was never question’d; but of late, since
‘ only Protestants are qualify’d to have a share in the
‘ legislature; their power, and the right of hearing
‘ causes in Parliament, hath been deny’d, to the
‘ great discouragement and weakening of the Pro-
‘ testant interest in *Ireland*.

‘ And

‘ And having thus, with all humility, laid before
‘ your Majesty your undoubted power and preroga-
‘ tive within this your kingdom of *Ireland*, the im-
‘ mediate dependance of the same upon your Maje-
‘ sty’s crown, the right your Majesty has to hold
‘ Parliaments here as in *Great-Britain*, and of finally
‘ determining therein all matters that wholly relate
‘ to this realm ; together with the great encroach-
‘ ments that of late have been made upon your Ma-
‘ jesty’s prerogative, and the rights of this your Par-
‘ liament, and the illegal unprecedented proceedings
‘ of the Lord Chief Baron, and the other Barons of
‘ your Majesty’s court of *Exchequer* ; whereby they
‘ have endeavour’d to support those encroachments,
‘ with the evil consequences of such proceedings, in
‘ case that a speedy and effectual stop be not there-
‘ unto put : We most humbly hope, that all these
‘ things being duly consider’d and weigh’d with your
‘ Majesty’s usual wisdom, will abundantly justify us
‘ in the methods we have taken, as well for the sup-
‘ porting of your Majesty’s royal prerogative, as
‘ the preservation of the just rights and liberties of
‘ our selves and our fellow subjects, as the same are
‘ set forth in the several resolutions we are come to ;
‘ a copy whereof we have hereunto annex’d. With
‘ all humility assuring your Majesty, that no diffi-
‘ culties, which we may be laid under, shall hinder
‘ us from giving the utmost dispatch to all your
‘ Majesty’s affairs ; or from most chearfully demon-
‘ strating that loyalty and affection to your Majesty’s
‘ person, and attachment to your interest, which
‘ becomes your Majesty’s dutiful and obedient sub-
‘ jects ; whereof we again from our hearts make an
‘ humble tender to your most sacred Majesty.’

To this representation we will add the following
reasons of the late Duke of *Leeds*, for protesting
against a vote passed in the house of Lords in *Eng-
land*, and declaring a trial before the house of Lords
in

in *Ireland* to be *coram non judice* : Which reasons are as follows.

1. Because upon the conquest of *Ireland* by *Henry II.* he introduced the laws of *England* into that kingdom, and sent them over the *modus tenendi Parliamenta, in terminis* the same with that of *England* : In which record it is said, that such things may be examined and corrected *in pleno Parlamento, & non alibi.*

D. of Leeds's
protest a-
gainst a vote
of the house
of Lords in
England, de-
claring a
trial before
the house of
Lords in *Ire-
land* to be
*coram non
judice.*

2. Because in the 30th year of King *Henry III.* it was provided, that all the laws and customs which are enjoyed in *England* shall be in *Ireland*, and the said lands shall be subject thereunto, and governed thereby, *Sicut Dominus Johannes cum ultimo esset in Hibernia statuit & fieri mandavit ; & quod omnia brevia de communi jure quæ currunt in Anglia similiter currant in Hibernia.*

3. Because it appears by other ancient records, *Quod terra Hiberniæ intra se habet omnes & omnimodas curias prout in Anglia.*

4. Because King *Edward III.* in the 29th year of his reign, ordained, for the quiet and good government of the people of *Ireland* ; that in all cases whatsoever, errors in judgments, records, and process in the courts of *Ireland*, shall be corrected and amended in Parliament in *Ireland*.

5. Because a conqueror, by the laws of *England*, and of nations, having power to introduce what laws he will in the conquered country : And King *Henry II.* pursuant to that power, having introduced the laws of *England*, and particularly that of holding Parliaments in *Ireland*, the house of Lords in Parliament in *Ireland*, may proceed to hear and determine judicially such matters as shall be brought

before them, in the same manner as the Lords in Parliament in *England*.

6. Because, pursuant to the many concessions made by King *Henry II.* King *John*, King *Henry III.* and other Kings of *England*, the Lords in Parliament of *Ireland* have proceeded to correct and amend errors in judgments, and decrees in the courts of *Ireland*; as appears by the several precedents certified over to your Lordships, and their judgments never before called in question: Many of them being irregular, and therefore presumed to have been by a good and lawful jurisdiction; otherwise, they would have been by our ancestors, who were zealous assertors of their rights, long before this, called in question.

7. The order declaring that the appeal was *coram non judice*, and null and void, will call all other judgments and decrees in question; under which many estates have been purchased, settled, and enjoy'd; which will be of fatal consequence to many families, and create discontent and dissatisfaction in that kingdom.

8. Because the declaring the said appeal to be *coram non judice*, and null and void, strikes at, and tends to the destruction of the jurisdiction of this house: For *Ireland* having *omnes & omnimodas curias prout in Anglia*, must include the high court of Parliament; and being an exact picture of the high court of Parliament of *England*, if they cannot judicially hear and determine appeals, writs of error, and impeachments, it may be from thence alledged they cannot here.

9. Because the Peers of *Ireland* had little else left them but the judicature, which, if taken away, will be of little esteem there, many of the Peers of *England* having some of their titles of honour from that kingdom.

*

10. Because

10. Because this resolution strikes at and abridges the King's prerogative in *Ireland*; all appeals and writs of error in Parliament being *coram rege in Parlamento*: And therefore these words, *coram non iudice*, take from the King the judicial power which is given him there.

11. Because it is the glory of the *English* laws, and the blessing attending *Englishmen*, that they have justice administered at their doors, and not to be drawn, as formerly, to *Rome* by appeals, which greatly impoverished the nation: And by this order, the people of *Ireland* must be drawn from *Ireland*, hither, whensoever they receive any injustice from the *Chancery* there; by which means, poor men must be trampled on, as not being able to come over to seek for justice.

12. The danger of altering, changing, or lessening a constitution (for above five hundred years unshaken, or so much as called in question) in any one thing, the custom and usage of courts being the law of courts, may occasion the destruction of the whole. The judicial power of the house of Peers in *Ireland*, in criminal causes, by way of impeachment, and otherwise, may, by the same reason, be called in question, as their judicature in civil causes; which will encourage evil-disposed men, especially those in employment in that kingdom, who are generally very arbitrary, to act wickedly: And the better we preserve the constitution of *Ireland*, and of those plantations dependent on *England*, the better we shall preserve our own: And they will be a barrier to ours, to prevent any invasions of theirs. And since the Kings of *England* have, in all times, in matters relating to the revenue, made their grants, by letters patent, and not only impowered the Parliament of *Ireland* to hear, correct, reform, and a-

mend them, but also acquiesced in their judgment, it ought not now to be questioned.

13. Because this taking away the jurisdiction of the Lords house in *Ireland*, may be a means to disquiet the Lords there, and disappoint the King's affairs.

14. Because the judicial power of the house of Lords of *Ireland*, is in no respect altered by an act of Parliament. The statute of the 10th of *Henry VII. cap. 4.* called *Poyning's law*, only directs a new form of passing bills into law; but alters nothing of the judicial power: But neither allows or enables them to make the laws as they please. And this will as well hold against the jurisdiction of this house, which ought not to be suffered.

Thus far the Duke of *Leed's* reasons. But we must also take notice of some resolutions of the house of Peers of *Ireland*, relating to a parallel case, and inserted in the return made by *Alexander Burrowes*, Esq; Sheriff of *Kildare*, to the injunction of the Barons of the *Exchequer* in *Ireland*; which return is as follows:

C Ancellar. Thesaurar. & Baronibus infra script. humillime certifico, quod ante adventum hujus brevis mihi direct. quedam resolutiones præhonorabil. Dom. procerum hujus Regni Hiberniæ fact. in Parliament. apud Dublin, in hoc Regno congregat. undecimo die Febr. Anno Dom. millesimo septingentesimo tertio mihi deliberat. fuer. quæ sequuntur in hæc verba, scilicet.

Resolutions

*Resolutions of the right honourable the house of Peers,
the 11th of February, 1703.*

Ordered on motion, That the petition of *Edward* Earl of *Meath*, and *Cecilia* Countess of *Meath*, his wife, be read : Read accordingly.

*Resolutions
of the house
of Lords in
Ireland, in a
parallel case.*

Ordered on motion, That the Clerk of the rolls do bring into this house the roll of the acts of Parliament of the 38th of *Henry VI.*

Resolved on the question, nemine contradicente, 1st, That by the ancient and known laws and statutes of this kingdom, her Majesty hath an undoubted jurisdiction and prerogative of judging in this her high court of Parliament, in all appeals and causes within her Majesty's realm of *Ireland.*

2dly, That the determinations and judgments of this high court of Parliament, are final and conclusive, and cannot be reversed or set aside by any other court whatsoever.

3dly, That if any subject or resiant within this kingdom, shall hereafter presume to remove any cause determined in this high court of Parliament, to any other court, such person or persons shall be deemed betrayers of her Majesty's prerogative and jurisdiction, and the undoubted ancient rights and privileges of this honourable house, and of the rights and liberties of the subjects of this kingdom.

4thly, That if any subject or resiant within this kingdom, shall presume to put in execution any order from any other court, contrary to the final judgment and determination of this high court of Parliament, such person or persons shall be deemed betrayers of her Majesty's prerogative and jurisdiction,

of the undoubted ancient rights and privileges of this house, and of the rights and liberties of the subjects of this kingdom.

En. Sterne, Cler' Parliamentor'.

Et ulterius certifico, Quod ante adventum istius brevis mihi direct. quidam ordo fact. per præhonorabil. Domin. spiritual. & temporal. in Parliament. in hoc Regno congregat. geren. dat. tertio die Octobris, Anno Dom. millesimo septingentesimo decimo septimo etiam mihi deliberat. fuit, qui sequitur in hæc verba, scilicet. Die Jovis tertio die Octobris, 1717. Whereas by the report made from the Lords Committees appointed to consider the properest method for the relieving of Hester Sherlock, widow, &c. pursuant to what was ordered and adjudged by this house, on the 19th day of June, 1716, in a cause wherein the said Hester Sherlock, widow, was appellant, and Maurice and John Annesley, Esquires, were respondents: As also upon the resolutions agreed to, this day, by this house, it appears, That the sum of one thousand five hundred and seven pounds, fourteen shillings and eight pence farthing, was due to Hester Sherlock, the appellant, upon the 19th day of February, 1716, on account of the principal and interest of the portion of Edward Sherlock, decreed unto the said appellant as administratrix to the said Edward, by this house, on the 19th day of June, 1716; and that the lands of Little Rath, Bodingstown, Darr, and Mullenasooky, in the barony of Naas and county of Kildare, are chargeable with, and liable to the payment of the said sum: It is thereupon ordered, by the Lords spiritual and temporal in Parliament assembled, That the high Sheriff of the county of Kildare, do forthwith put the said Hester Sherlock into the possession of the said lands of Little Rath, Bodingstown, Darr, and Mullenasooky, subject to the said sum of one thousand five hundred and seven pounds,

pounds, fourteen shillings, and eight pence farthing, to be held by her the said *Hester*, until such time as she shall receive the said sum, chargeable upon the said lands, as aforesaid; and this shall be a sufficient warrant in that behalf.

To *Charles Nuttal*, Esq; high Sheriff of the county of *Kildare*.

EN. *Sterne*, Cler' Parliamentor. *virtut. cujus ordin. prædict. Carolus Nuttal posuit prædict. Hester Sherlock, in plen. quiet. & pacific. possession. omn. vill. & terr. prædict. & prædict. Hester Sherlock jam usq; continuavit in ead. possession. præmiss. prædict. secund. tenor. & effect. ordinis prædict. ratione quorum resolution. & ordin. in præjudic. privileg. Parliament. per leges & statut. hujus Regni Hiberniæ provis. infra nominat. Mauric. Annesley, Ar. ad possession. sepeal. vill. & terr. de Little Rath, Bodingtown, Darr, & Mullenafooky infra mencionat. restituere non audeo. Sic respond.*

Alexander Burrowes, Ar. Vic.

The proceedings and representation of the house of Lords in *Ireland*, in relation to appeals, and concerning the Barons of the *Exchequer* there, having been laid before the house of Peers of *Great-Britain*, pursuant to an address to his Majesty for that purpose, were, according to order, read on the 28th of *January* last; and after debate it was resolved, That *Jeffery Gilbert*, Esq; Lord Chief Baron of the court of *Exchequer* in *Ireland*, and *John Pocklington*, Esq; and Sir *John St. Leger*, Kt. the other Barons of the said court, in their proceedings in the cause between *Annesley* and *Sherlock*, in obedience to the orders of this house, have acted with courage, according to law, in support of his Majesty's prerogative, and with fidelity to the crown of *Great-Britain*.

Resolutions of the house of Lords of *England* upon the proceedings and representation of the house of Lords of *Ireland*.

Ordered, That an humble address be presented to his Majesty, to lay before his Majesty the said resolution, and humbly to desire, that his Majesty will be graciously pleased, out of his royal goodness and bounty, to confer on them some marks of his royal favour, as may be a recompense for the ill usage they have received, by being unjustly censured and illegally imprisoned for doing their duty.

Ordered, That the said address be presented to his Majesty by the Lords with white staves.

Ordered, That a bill be brought in *For the better securing the dependency of Ireland upon the crown of Great-Britain*, and that the Judges do prepare a bill accordingly, upon the debate of the house.

The said bill was brought in accordingly, and having passed the house of Lords, was sent down to the Commons, as follows :

An act for the better securing the dependency of Ireland upon the crown of Great-Britain.

Act for securing the dependency of Ireland.

‘ **W**HEREAS attempts have been lately made
 ‘ to shake off the subjection of *Ireland* unto,
 ‘ and dependence upon, the Imperial crown of this
 ‘ realm, which will be of dangerous consequence to
 ‘ *Great-Britain* and *Ireland*.
 ‘ And whereas the house of Lords in *Ireland*, in
 ‘ order thereto, have, of late, against law, assumed
 ‘ to themselves a power and jurisdiction to examine,
 ‘ correct, and amend the judgments and decrees of
 ‘ the courts of justice, in the kingdom of *Ireland* :
 ‘ Therefore, for the better securing of the depen-
 ‘ dency of *Ireland* upon the crown of *Great-Britain*,
 ‘ may it please your Majesty, that it may be enact-
 ‘ ed ; and it is hereby declared and enacted, by the
 ‘ King’s most excellent Majesty, by and with the
 ‘ advice and consent of the Lords spiritual and tem-
 ‘ poral,

‘ poral, and Commons in this present Parliament
‘ assembled, and by the authority of the same,
‘ That the said kingdom of *Ireland* hath been, is,
‘ and, of right, ought to be, subordinate unto, and
‘ dependent upon, the Imperial crown of *Great-Bri-*
‘ *tain*, as being inseparably united and annexed there-
‘ unto; and that the King’s Majesty, by and with the
‘ advice and consent of the Lords spiritual and tem-
‘ poral, and Commons of *Great-Britain* in Parlia-
‘ ment assembled, had, hath, and, of right, ought to
‘ have full power and authority, to make laws and
‘ statutes of sufficient force and validity, to bind the
‘ people and the kingdom of *Ireland*.

‘ And be it farther enacted and declared by the
‘ authority aforesaid, That the house of Lords of
‘ *Ireland* have not, nor, of right, ought to have,
‘ any jurisdiction to judge of, affirm, or reverse any
‘ judgment, sentence or decree, given or made in
‘ any court within the said kingdom; and that all
‘ proceedings before the said house of Lords, upon
‘ any such judgment, sentence, or decree, are, and
‘ are hereby declared to be, utterly null and void,
‘ to all intents and purposes whatsoever.’

March 22. According to the order of the day, the ingrossed bill from the Lords, intituled, *An act for the better securing the dependency of the kingdom of Ireland upon the crown of Great-Britain*, was read the third time; but an ingross’d clause being presented to the house, and read, *for confirming the judgments and decrees heretofore made by the house of Lords in Ireland*, and a debate arising, whether the said clause should be read a second time, it was thereupon resolved to adjourn the debate ‘till *Saturday* the 26th.

March 26. The house resumed the adjourned debate, touching the second reading of the ingrossed clause offered from the Lords to the *bill for the better securing the dependency of the kingdom of Ireland upon*
the

the crown of Great-Britain; and a motion being made, and the question put, that the debate be adjourned, it passed in the negative. Then the question being put, that the said clause be read a second time, it was also carried in the negative, and resolved, that the bill, with the amendments, do pass.

April 2. The ingross'd bill for enabling the South-Sea Company to increase their present capital stock, &c. was read the 3d time, and some amendments having been made thereto by the house, the question was put that the said bill do pass, which, after a small debate, was carry'd in the affirmative by a majority of 172 votes against 55, and the said bill was sent up to the Lords for their concurrence.

A debate in
the house of
Lords upon
the South-
Sea bill.

April 4. The Lords read that bill the 1st time, and the question being put that it be read a 2d time, the same, after a small debate, was carry'd in the affirmative without dividing. The next day the bill was read a 2d time accordingly; and then it was mov'd, that it be committed to a committee of the whole house, which occasioned a great debate.

The Lord *North* and *Grey* spoke first against the bill, and said, 'That in his judgment, it was unjust in its nature, and might prove fatal in its consequences; since it seemed calculated for the enriching of a few, and the impoverishing of a great many, and not only made way for, but countenanced and authoris'd the fraudulent and pernicious practice of stock-jobbing, which produced an irreparable mischief, in diverting the genius of the people from trade and industry.'

His Lordship was backed by the Duke of *Wharton*, who endeavoured chiefly to evince, 'That the *South-Sea* project might prove of infinite disadvantage to the nation; first, as it gave foreigners an opportunity to double and treble the vast sums they had in our public funds, which could

not

‘ not but tempt them to withdraw their capital
‘ stock, with their immense gains, to other coun-
‘ tries, which might drain *Great-Britain* of a con-
‘ siderable part of its gold and silver. Secondly,
‘ That the artificial and prodigious rise of the *South-*
‘ *Sea* stock was a dangerous bait, which might de-
‘ coy many unwary people to their ruin, and allure
‘ them, by a false prospect of gain, to part with
‘ what they had got by their labour and industry,
‘ to purchase imaginary riches. And, in the third
‘ place, That the addition of above thirty millions
‘ new capital, would give such a vast power to the
‘ *South-Sea* company, as might endanger the liber-
‘ ties of the nation, and, in time, subvert our ex-
‘ cellent constitution ; since by their extensive inte-
‘ rest they might influence most, if not all the e-
‘ lections of the members, and consequently over-
‘ rule the resolutions of the house of Commons.’

‘ Earl Cowper spoke also against the bill, and said,
‘ That like the *Trojan* horse, it was ushered in, and
‘ received with great pomp and acclamations of joy ;
‘ but was contrived for treachery and destruction.’

His Lordship urged in particular, ‘ That in all pub-
‘ lic bargains, it is a duty incumbent on them who
‘ are entrusted with the administration, to take care
‘ that the same be more advantageous to the state
‘ than to private persons ; but that a quite contrary
‘ method seemed to have been followed in the con-
‘ tract made with the *South-Sea* company : For if
‘ the stocks were kept up to the advanced price, to
‘ which they had been raised by the oblique art of
‘ stock-jobbing, either that company, or its prin-
‘ cipal members, would gain above thirty millions
‘ sterling, of which they gave but one fourth part
‘ towards the discharge of the national debts. That
‘ though this scheme carried the face of public
‘ good, yet nothing could be so, that was founded
‘ on injustice, as his Lordship took this bill to be :
‘ That he apprehended, in particular, that the main

‘ public

‘ public intention of it, *viz.* the repurchase of annuities, would meet with insuperable difficulties ; and that, in such a case, none but a few persons, who are in the secret, and had early bought stocks at a low rate, and afterwards sold them at a high price, would, in the end, be gainers by this project.’

The Duke of *Buckingham*, and some other Peers, spoke on the same side ; but the Earl of *Sunderland* answered most of their objections ; and, among other things, said, ‘ That they who encouraged and countenanced the scheme of the *South-Sea* company, had nothing in their view, but the easing the nation of part of that heavy load of debt it labours under. That on the other hand, the managers for that company had, undoubtedly, a prospect of private gain, either to themselves, or to their corporation ; but that, when that scheme was accepted, neither the one nor the other could foresee that the stocks would have risen to the price they were now advanced : That if they had continued as they were at that time, the public would have had the far greater share of the advantage accruing from that scheme ; and if the stocks were kept up to the price they had been raised to, which was not unlikely, it was but reasonable that the *South-Sea* company should enjoy the profit procured to it by the wise management and industry of its directors, which would enable it both to make large dividends among its members, and thereby to compass the ends intended by this scheme.’ After this the question for committing the bill being put, it was carried in the affirmative, by a majority of 83 voices against 17.

April 6. The Lords, in a grand committee, considered of the said bill, went through it, without any amendment, and without dividing ; and on *Thursday* the 7th of *April*, read it the third time, agreed

greed to it, and sent a message to the Commons to acquaint them therewith.

June 11. The King came to the house of Peers, and the Commons being sent for up, and attending, his Majesty was pleased to give the royal assent to several public and private bills.

After which his Majesty was pleased to make the following most gracious speech.

My Lords and Gentlemen,

‘ I AM now come to put an end to this session, which, though it hath advanced so far into the summer, cannot be thought a tedious one, when we consider how much business hath been done, and the great advantages that may be expected from it. The King’s speech.

‘ Your seasonable vigour and perseverance to support me in the measures I have taken with my allies, for restoring the tranquillity of *Europe*, have produced most of the effects I could desire. Much the greatest part of Christendom is already freed from the calamities of war, and, by what hath happened both abroad and at home, my people must be convinced, that their welfare is inseparable from the strength and security of my government.

Gentlemen of the house of Commons,

‘ I return you my thanks for the supplies you have raised for the service of the current year; and it is a particular satisfaction to me, that a method has been found out for making good the deficiencies of my civil list, without laying any new burden upon my subjects. The good foundation you have prepared this session for the payment of the national debts, and the discharge of a great part of them, without the least violation of the
‘ public

‘ public faith, will, I hope, strengthen more and
‘ more the union I desire to see among all my sub-
‘ jects, and make our friendship yet more valuable
‘ to all foreign powers.

My Lords and Gentlemen.

‘ You will see the good effects which our steadi-
‘ ness hath produced ; there remains but little, on
‘ our part, to satisfy the world, that more credit,
‘ security, and greatness, is to be acquired by fol-
‘ lowing the views of peace, and adhering strictly
‘ to just engagements, than by depending on the
‘ advantages of war, or by pursuing the measures of
‘ ambition. To compleat what remains unfinished,
‘ I propose very speedily to visit my dominions in
‘ *Germany*, hoping to put an end to those troubles
‘ in the *North*, which are now reduced to a very
‘ narrow compass. I flatter my self, that my pre-
‘ sence this summer in those parts, will prove useful
‘ to our poor protestant brethren, for whom you
‘ have expressed such seasonable and charitable sen-
‘ timents.

‘ I doubt not but to meet you again next winter,
‘ disposed to put a finishing hand to all those good
‘ works which, by your assistance, I have brought
‘ so near to perfection. I could wish, that all my
‘ subjects, convinced by time and experience, would
‘ lay aside those partialities and animosities which
‘ prevent them from living quietly, and enjoying
‘ the happiness of a mild legal government : It is
‘ what I chuse to recommend at this time, when I
‘ am sensible, that all opposition to it is become
‘ vain and useless, and can only end unfortunately
‘ for those who shall still persist in struggling against
‘ it. I am persuaded that, during my absence,
‘ every one of you will take particular care to pre-
‘ serve the peace in your several countries, and that
‘ I shall find you, at my return, in such a state of
‘ tranquillity, as will shew mankind how firmly my
‘ government

‘ government is established ; which I chiefly desire,
 ‘ because I think the security and preservation of
 ‘ my people, and of this happy constitution, de-
 ‘ pends entirely upon it.’

Then the Lord Chancellor, by his Majesty’s command, prorogued the Parliament to *Thursday* the 28th of *July*.

T H E transactions of the *South-Sea* company having made so much noise in the world, and the consequences of them having been so fatal to a great number of people, of which many yet feel the unhappy effects, a distinct account of that affair cannot be thought improper in such a collection as this : It will be necessary, however, in order to understand thoroughly the proceedings of both houses of Parliament on that important affair, to give a succinct account of the proceedings of that company, since the act which passed in their favour the 7th of *April* last : But previously to this, it will be proper to insert an abstract of that act, which is as follows,

Abstract of the act for enabling the South-Sea company to increase their capital stock, by redeeming such public debts and incumbrances as are therein mentioned, and for raising money to be applied for lessening several of the public debts, &c. Anno sexto Georgii Regis.

T H E preamble recites the several acts of Parliament for granting annuities, and several other debts, redeemable by Parliament at 5*l.* per Cent. the principal sums whereof amount to 11,770,660 *l.* 11 *s.* 3 *d.* 3 *q.* and others at 4 *l.* per Cent. the principal amounting to 4,766,821 *l.* 15 *s.* 9 *d.* 2 *q.* which together amounting to 16,546,482 *l.* 7 *s.* 1 *d.* 1 *q.* and that the *South-Sea* company is willing, before *March* 1, 1721, to take in, either by purchase
 or

or subscription, the said annuities, amounting to 666, 821 *l.* 8 *s.* 3 *d.* 2 *q.* *per Annum*, at prices to be agreed upon with the proprietors, so as for such annuities, they may have an addition to their capital stock, *at the rate of twenty years purchase*; and are willing to take in the lottery annuities of 1710, at prices to be agreed on with the proprietors, so as for such annuities so taken in, they may have an additional stock at fourteen years purchase, and the annuities payable out of 81000 *l.* *per Annum* at the like rate; and are willing to take in the redeemable debts and annuities, amounting to 16,546,482 *l.* 7 *s.* 1 *d.* 1 *q.* by purchase, subscriptions, or paying them off, at *Cent. per Cent.* to be added to the company's capital, and so as they may have additions made to their annuity, or yearly fund, at the rates prescribed in the act.

The Commons being desirous to lessen the public debts, with regard to justice, and the public faith, and that the public duties may be settled, so that the *South-Sea* company's annuity, or yearly fund, for their present and to be increased capital, may be continued 'till *Midsummer*, 1727, and afterwards reduced to 4 *l.* *per Cent.* and thenceforth be redeemable by Parliament, do grant, and the act enacts, That the rates of excise, on duties on pepper, granted 8 *Anne* for 32 years, and the yearly sum of 35000 *l.* appropriated by her late Majesty's letters patents, out of the excise, and the duties on soap, paper, &c. 12 *Anne*, granted for 32 years, and the duties on coals, &c. granted 5 *George*, be continued and made perpetual, to secure to the *South-Sea* company the payments to be made by this act.

These duties shall be raised by such rules and methods, as the like rates and duties granted by the said former acts are prescribed.

In all cases where any other provision or alteration is made by any other acts now in force, concerning the said duties, granted for certain terms, such
other

other provisions and alterations shall be observed and take place, in relation to the like duties now made perpetual.

All the monies arising by these duties (except necessary charges) shall be brought into the *Exchequer*, that the *South-Sea* company may, out of the same, be secured the payment of such annuities as shall become payable to them, until the redemption thereof.

And to the end it may be known what annuities or debts shall be taken in, and what additions are to be made to the company's capital stock for the same, and how much they are to pay into the *Exchequer* for the use of the public, and what new allowance is to be made to them for charges of management, when the same shall be reduced to a certainty, the commissioners of the treasury are to constitute such distinct numbers of able and fit persons, and such, or so many of them, as they shall think fit, to be managers and directors for so doing, and performing such matters and things as are by this act appointed to be done and performed.

The managers and directors are, according to such directions as they shall receive from the treasury, to prepare books, wherein shall be entered, under proper titles, and in proper columns, the particulars following, *viz.* one book for entering the names of such persons then intitled to the annuities, payable for the remainders of the long terms of 96, 89, and 99 years, which shall be actually taken in; and also the names of such persons then intitled to particular interests in such annuities, who shall be willing to depart with the same, and which shall be actually taken in; and there shall be entered in the said book every annuity so payable for the remainder of those several terms (all which annuities, if the whole should be purchased, are computed to amount to 666,821 *l.* 8 *s.* 3 *d.* 2 *q.* *per Annum*, or thereabouts) and the particular duties or other provisions,

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whereupon every such annuity was charged ; and there shall also be entered in the same book, such prices as shall be agreed upon between the corporation and the proprietors ; which prices are to be answered by the company, either in ready money, or otherwise, to the satisfaction of the proprietors, or those entrusted under them ; and there shall be likewise entered the additions which are to be made to the present capital stock of the company, after the rate of 20 years purchase, for taking in the said residuary long terms : Which new additions to their annuity, are to commence from the quarterly feast-day last preceding such taken in, and to be payable at 5 *l. per Cent.* 'till the 24th of *June*, 1727, and afterwards at 4 *l. per Cent.* 'till redeemed.

The managers and directors are to prepare one or more other books, for entering the names of such persons then intitled to any of the annuities payable out of the yearly fund of 81,000 *l.* for 22 years and three quarters, from *Christmas*, 1719, or for the remainder of that term, which shall be to come at the quarter-day preceding the taking in the same ; and there shall be also entered every annuity so payable, and the particular duties whereupon every such annuity was charg'd, and the price as shall be agreed upon between the company and the proprietors ; which prices are to be answered in ready money, or otherwise, to the satisfaction of the proprietors ; and there shall also be entered the additions which are to be made to the company's present capital stock, after the rate of 14 years purchase, for taking in the same : Which new additions are to commence from the quarterly feast-day preceding the taking in the same, and to be payable at 5 *l. per Cent.* to the 24th of *June*, 1727, and afterwards at 4 *l. per Cent.* till redeemed.

And they are also to prepare one or more books, wherein shall be entered the names of persons then intitled to any of the annuities payable upon unsub-
scrib'd

scrib'd lottery tickets of 1710, out of the remainder of the yearly fund of 135000 *l.* for 23 years, computed from *Michaelmas*, 1719, who shall be willing to subscribe the same; and there shall be enter'd also every annuity so payable, which shall be taken in, and the particular duties whereupon every such annuity was charg'd, and the price agreed on for every such annuity; and there shall be likewise enter'd the additions which are to be made to the company's capital stock, after the rate of 14 years purchase, for taking in the said lottery annuities; which new additions are to commence from *Michaelmas*, 1719, and to be payable at 5 *l. per Cent* to the 24th of *June*, 1727, and afterwards at 4 *l. per Cent.* till redeem'd.

And they are also to prepare one or more books, wherein shall be enter'd every principal sum carrying interest at 5 *l. per Cent.* which shall have been actually paid off to the proprietors of the principal sums computed together at 11,779,600 *l.* 11 *s.* 3 *d.* 3 *q.* or thereabouts, after the rate of 100 *l. per Cent.* and the days when every payment shall have been made, and the names of the proprietors who shall have receiv'd the same, and the particular duties for which the interest monies at 5 *l. per Cent.* were charg'd; and there shall be enter'd the additions which are to be made to the company's capital stock at *Cent. per Cent.* which new additions are to commence from the quarterly feast-day, or half-yearly feast-day, on which those annuities are now payable, and last preceding the time of taking in, and are to be also payable after the rate of 5 *l. per Cent.* 'till the 24th of *June*, 1727, and afterwards at 4 *l. per Cent.* 'till redeem'd.

And they are also to prepare like books, wherein shall be enter'd every principal sum carrying interest at 4 *l. per Cent.* which shall have been actually paid off by the company to the proprietors of the principal sums, computed together at 4,766,821 *l.* 15 *s.* 9 *d.*

2 *q.* after the rate of *Cent. per Cent.* and the days, when every payment shall have been made, and the names of the proprietors who shall have receiv'd the same, and the respective duties, for which the interest monies at 4 *l. per Cent.* were charg'd, and the additions to be made to the company's capital stock at *Cent. per Cent.* which new additions are to commence from the quarterly feast-day, or half-yearly feast-day, on which those annuities are now payable, and at the rate of 4 *l. per Cent.* 'till redeem'd.

And they are also to prepare other books, according to directions from the treasury, if thereunto requested by the directors of the *South-Sea* company, under the hands of seventeen or more of them, or under their common seal, wherein shall be entered every the principal sums, which shall be paid off by the company, at the rate of *Cent. per Cent.* or by such stock as shall be accepted in lieu thereof, in pursuance of subscriptions by agreement, made before *March 1, 1721*, and the names of the proprietors who shall be so paid or satisfy'd, and the duties on which the same were charg'd, and the new additions to the capital stock, in respect thereof, at *Cent. per Cent.* for the principal monies so taken in by subscriptions, and interest at the said rates of 5 *l. per Cent.* and 4 *l. per Cent.*

These books are to be open'd by the managers and directors from time to time, and lie open for such respective times as the court of directors of the *South-Sea* company shall appoint, by public notice at the *Royal-Exchange*, and in the *London Gazette*.

And for avoiding disputes concerning the property of any annuities to be taken in, every person, by or for whom there shall be produc'd to the managers, during the times the books relating to the lotteries shall lie open, so many of the unsubscrib'd pay-tickets, belonging to the lottery 1710, as would (in case they

they be not taken in by this act) warrant the payment of the annuities payable thereon, shall be deemed the lawful owner of every such annuity ; and every person, by or for whom shall be produced any of those tickets, by which the fortunate adventurers would be entitled to annuities at 4 *l. per Cent.* by the lotteries of 5 *G.* shall be deemed the lawful proprietor of the same annuities ; provided such fortunate tickets have been first chequ'd, prov'd, and attested by the managers appointed for that purpose.

And whereas the annuities of 96, 89, and 99 years, and the annuities of 9 *l. per Cent.* and the annuities on her late Majesty's letters patents, and the principal monies of the tickets of the lotteries 12 *A.* and 1 *G.* are all payable by standing orders made forth by the treasury, which orders, and all assignments thereof, and all devises or wills concerning the same, are to be registered in books for that purpose, where the same are payable ; therefore such persons, as by the said books or registers shall appear to be intitled to such annuities, shall be deem'd the lawful proprietors thereof ; and the auditor of the receipt, and each comptroller in the particular offices, shall, by *May 30, 1720*, transmit to the managers fair lists, expressing therein every such annuity, and the present possessors thereof, and the duties charged therewith, as they shall appear by the said books ; and shall afterwards certify all alterations or additions which ought to be made thereto by any subsequent assignments, &c. until *March 1, 1721*.

The several annuities of 5 *l.* and 4 *l. per Cent.* being payable by the cashier of the bank, out of monies impress'd to him at the *Exchequer* for that purpose, and are devisable by wills entered in the books there ; and therefore such persons shall be adjudged the lawful proprietors, who, by the said books, shall appear to be so ; and the accomptant-general of the bank shall, by *May 30, 1720*, transmit to the managers fair lists of such annuities, and the names

of the proprietors, and the duties charged therewith, as they shall appear by the said books, and afterwards shall certify all alterations which ought to be made on the said lists, by any subsequent transfers, &c. 'till *March 1, 1721.*

No fee or reward shall be demanded of the *South-Sea* company, or of the managers or proprietors for transmitting the said lists; and such persons or corporations, as by such lists shall appear to be intitled to the annuities, shall be adjudg'd to be the true proprietors thereof, and of the proportional shares of stock created for the same, at the transmitting the said lists.

The managers, before they open the Books, are to give notice to the accomptant-general of the *bank*, of the days on which such subscription-books will be open'd; and after every closing, are to certify to him the names of the persons by or for whom subscriptions shall have been made in the books, and the stock attending the same, and shall take care, that after such notice, no transfers of such stock be admitted: And the said accomptant-general is likewise to take care, after such notice to him, and 'till he shall have receiv'd from the managers the lists to be transmitted to him, that no transfers be made in the books by him kept relating to those annuities for which such subscription books be open'd.

If the accomptant-general of the bank delays to transmit such lists, or to make certificates, or to stop the transfers of the said redeemable annuities transferrable at the bank, or to do any other matter by this act requir'd to be done by him, in such case, the governor and company of the bank, shall be obliged to cause the same to be done.

The *South-Sea* company may redeem every the redeemable debts and incumbrances of 16,546,482 *l.* 7 *s.* 1 *d.* 1 *q.* by paying off the same at their public office, at some time before *March 1, 1721*, and the respective securities for the same, at the rate of 100 *l.* for

for every 100 *l.* principal money, and proportionably for greater or lesser sums.

Where notice for redemption of the said debts should be given or left by authority of Parliament, or by the Speaker of the House of Commons, the company, or such as they shall appoint, may give such notice for redemption of the same, or so many of them as are redeemable at a time, as they, *in regard to their own abilities and circumstances, shall think fit*; and after the expiration of the times mentioned in such notice for paying off the said debts, or any parts of them, they shall, on payment or tender of the money, be adjudged to be redeemed, and the annuities payable in respect thereof, shall cease to be payable to them; and, in lieu thereof, a like annuity shall be paid to the *South-Sea* company 'till the 24th of *June*, 1727, and afterwards at the rate of 4 *l.* per Cent. 'till redemption by Parliament: And as to such debts for redemption, whereof no notice is by law required, the company may give notice on the *Exchange*, and in the *London Gazette*, and appoint a time for payment of the said debts, as they shall think fit; and a proportional addition shall be made to the company's stock.

The company may, before *March* 1, 1721, take in, by way of purchase or subscriptions, all or any of the annuities of 96, 89, and 99 years, computed to amount to 666,821 *l.* 8 *s.* 3 *d.* 2 *q.* per Annum, or any the lottery annuities amounting to 46,260 *l.* 6 *s.* 1 *d.* per Annum, and the pay-tickets for the same; and any the annuities amounting to 81000 *l.* per Ann. at such prices as shall be agreed mutually between the company and the proprietors, or their agents: So as such prices be actually paid at their public office by *March* 1, 1721.

If all or any of the proprietors of the said debts shall be willing to accept a share in the company's capital stock, at such price as shall be mutually agreed upon at the time of subscribing, in lieu of money,

ney, such proprietor shall be admitted into the company for such share, and in respect thereof, shall have credit in the company's books for his share, and in the whole joint stock, and of all dividends, &c. to attend the same.

Every proprietor shall have liberty, whilst the books are to be kept open, to subscribe his annuity or debts upon the terms prescribed by the act; and all executors, administrators, guardians, and trustees, may subscribe on behalf of the testators, intestates, or of infants, femmes covert, *Cestui que trustee*, or others for whom they shall be intrusted; but liable to the like trusts as the same would have been, had they not been taken in.

All persons who shall be paid or satisfy'd for their annuities or debts in money, or by acceptance of shares in the capital stock, shall, at the same time, deliver up all the orders and tickets to such person as the treasury shall appoint.

On affidavit or affirmation that any the said orders or tickets have been lost, burnt, or destroy'd, such affidavit or affirmation shall be taken instead of the said orders or tickets.

The persons to be appointed for taking in the said orders and tickets, shall deliver them into the *Exchequer*, there to remain for ever, and no farther issues shall be made thereupon; and the particular duties and revenues charged therewith, shall be discharged thereof, except as to the payment of arrearages, touching which special provision is afterwards made.

The managers are to make up, adjust, and sign distinct accounts of all annuities and debts which shall have been taken in or paid off within the time of every such account, and transmit duplicates thereof to the treasury, and to the directors of the company; and duplicates of so much as concern'd annuities or debts payable at the *Exchequer*, to the auditor of the receipt; and of so much as concern'd payments by
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the cashier of the bank, to the accomptant-general there, and after *March* 1, 1721, shall transmit a compleat duplicate of the whole into the *Exchequer*, and the books of subscriptions to the court of directors of the *South-Sea* company.

The values to be computed at the rate of 20 years purchase, 14 years purchase, and *Cent. per Cent.* for the said annuities and debts, as the same shall be taken in, or paid off, shall be added and united to the present capital stock of the company; and the company, for every addition to their capital, (except for the said sums now at 4 *l. per Cent.*) shall have an addition to their annuity, or yearly fund, at 5 *l. per Cent.* 'till the 24th of *June*, 1727, and thenceforth at 4 *l. per Cent.* and for every addition to their capital, in respect of the annuities at 4 *l. per Cent.* shall have an addition at 4 *l. per Cent.* 'till redeemed.

The additions to be made to the present annuity of the company, shall commence from the quarterly or half yearly feasts-days, on which the interest-moneys are payable, and which shall last precede such payment or subscription, except the additions to be made for taking in the lottery annuities 1710, for which the proportional annuity of the same company is to commence from *Michaelmas*, 1719.

The treasury, on receiving the duplicates from the managers, shall, by instruments in writing, settle and determine, not only the additions to be made to the joint stock of the company, but also the several additions which shall be made to their yearly fund, in respect of the additional stock, and the times from which they shall commence; and every member, in proportion to his shares, shall have credit in the company's books.

The increased annuity, or yearly fund of the company, shall grow due quarterly (nevertheless to be satisfied by weekly or other payments) out of the monies to arise by the public duties now chargeable
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with the said annuities or debts, and such as are continued by this act for ever, for that purpose.

The treasury are to cause an estimate to be taken of the whole annual cost to the public, of paying and accounting for all the annuities and debts specified in this act (whether they shall, or shall not be taken in, or paid off) and shall compute and allow to the company a proportion of the costs for the annuities then appearing to be actually taken in, or paid off, *i. e.* as the sum of 11,746,844 *l.* 8 *s.* 10 *d.* (their present capital) is to 9397 *l.* 9 *s.* 6 *d.* (their present stock for management;) so the stock which they are to have, shall be to the proportional sum to be allowed for management, so as all the proportional sums do not exceed the whole of one year's cost for paying and accounting for all the annuities; and the same shall commence from the times at which the to be increased annuity shall commence.

The 9397 *l.* 9 *s.* 6 *d.* *per Annum*, and farther sums for charges, shall be paid to the company in such manner as their present annuity is payable, 'till the funds be redeemed, and shall be charged on the particular duties and incomes by this act charged with the present annuity of the company, and of the additions to be made thereto.

The duties chargeable with the annuity of the company, and the additions to be made thereto, and for charges of management, shall be levied and brought into the *Exchequer*, according to the directions of the former acts; and the auditor of the receipt, and clerk of the pells, shall severally keep a book for that purpose, to be inspected without fee.

The auditor of the receipt, and clerk of the pells, shall severally keep one other book, to enter distinctly so much of the monies as ought to be applied to the company's yearly fund, and the additions to be made thereunto, and for charges of

of management; which monies shall be kept for that purpose, and are by act appropriated thereto; and if any officer in the *Exchequer* shall make any delay in issuing the same, or divert or misapply any of the said monies, he shall be forejudged his office, and be incapable of any place under his Majesty and be liable to pay double the value to the company.

Orders are to be signed by the treasury for making payments to the company irrevocable, and not to be made void, according to the purport of the act.

Weekly, or otherwise, as this money comes into the *Exchequer*, issues may be made, so as they do not exceed the sum that shall be due for or at the end of any such quarter.

Deficiencies of one quarter may be made good out of the overplus to arise, and to be set apart in any subsequent quarter.

Such annuities and debts as shall not be taken in, or paid off by this act, and the interest-monies payable for the same, shall severally continue to be paid to the proprietors of the same offices, out of the same duties, and at the same times; and shall be assignable, transferrable, and disposable, as if this act had never been made; neither shall this act prejudice, at any time before or after *March 1, 1721*, the receiving or transferring the said annuities in any manner of wise (except, as is before provided, relating to the stopping or delaying the assigning and transferring the annuities or shares in stock for the same, now transferrable at the office of the bank.)

And as to such of the annuities and debts as before *March 1, 1721*, shall actually be taken in by purchase or subscription, or be paid off, the arrears shall be paid to the days of taking in the same, except the arrearages on the lottery annuities 1710; and the managers and directors shall, from time to time, certify the times of taking in
the

the same to the several offices; and the auditor of the receipt, accomptant-general of the bank, and comptrollers in the several offices, are to take care, that after the payment of such arrears, no farther payments, or assignments, or transfers thereof, be made in their offices, whereby the public may be liable to a double payment.

The *South-Sea* company (in consideration of the liberty given them of increasing their capital stock, by taking in or paying off all the redeemable annuities and debts) shall pay into the *Exchequer*, towards discharging the principal and interest of such national debts as were incurred before the 25th of *December*, 1716, the sum of 4,156,306 *l.* 4 *s.* 11 *d.* by four quarterly payments, the first to be made on or before *Lady-day*, 1721.

And the company (in consideration of the increase which will be made to their said capital, by taking in, by purchase or subscription, the remainders of the long terms of 96, 89, and 99 years, and 32 years) shall pay into the *Exchequer* four years and a half's purchase, upon the terms that shall be so actually taken in; the money so arising to be applied towards discharging the said national debts, and to be paid by four quarterly payments, the first to be made on or before *Lady-day*, 1722.

And the company are to pay one year's interest for such of the long terms as shall not be taken in, to be also applied towards discharging the said national debts, and to be paid quarterly, as aforesaid.

In case the corporation shall make failure in payment of any of the said sums at the limited times, then an action of debt shall lie against them in his Majesty's name, and damage after the rate of 5 *l.* per Cent. for the monies so unpaid,
and

and the corporation, and their stock and fund shall be liable thereto.

And for enabling the company to raise the said sum of 4,156,306 *l.* 4 *s.* 11 *d.* and the said rates of four years and an half's purchase, and one year's purchase, or for purchasing or paying off the annuities, or for exchanging for ready money the new *Exchequer* bills, or for defraying the interest thereof, or for carrying on their trade, and other necessary occasions, the company may make calls of money from their members, or may open books of subscriptions, or grant annuities redeemable by the company, or by any other method they shall think fit in a general court; and all executors, &c. are indemnified in paying their proportions of money called in; and if any member shall refuse to pay in his share at the times appointed, by notice to be fixed on the *Exchange*, or in the *Gazette*, the company may not only stop the dividend 'till satisfied, but also the transfers, and charge the defaulter with interest at 5 *l.* *per cent.* and his stock shall be liable to make good the same; and if the principal and interest be not paid in three months, then the company may transfer so much of the defaulter's stock as will satisfy the same, rendering the overplus; and the company, when they shall judge their affairs will admit thereof, may cause the money, so called in, to be divided amongst the members, in proportion to their interests in the capital stock of the same.

And the company may borrow money upon any contracts, bills, &c. under their common seal, or on credit of their capital stock, at such rates of interest, for any time, not less than six months, as they shall think fit, and as shall be to the satisfaction of the lenders.

All bonds, under the common seal of the company, shall charge as well their additional funds,
as

as their present stock and effects, and shall be assignable and recoverable as any their bonds taken upon any former acts might; and those securities shall not be chargeable with any stamp-duties.

The monies called for from their members shall (if the company think proper) be an additional stock, and shall be written into the books of the company; and each member shall have credit in their books for a share thereof, and may transfer and devise the same; but shall have no addition to the company's annuity to be paid out of the public duties, in respect thereof.

The present capital and yearly fund increased, shall be deemed a personal and not a real estate, and shall go to executors or administrators, and not to heirs, and shall not be liable to any foreign attachment by the custom of *London*, or otherwise.

The members of the company may assign or transfer their stock in the books of the corporation, as prescribed by the acts and charter now in force; or may devise the same by will, as the original stock was devisable.

The capital and yearly fund increased, shall be free from taxes; and no person, for acting pursuant to this act, shall be disabled from serving in Parliament, or incur any penalty for not qualifying himself, as for an office of profit or trust; and every proprietor (notwithstanding his being intrusted) may contract for the price of his annuity, or subscribe such annuity in the books to be opened, and receive his payments for the same, as if he were not in such trust, so as the contract with him be made by the other persons intrusted on behalf of the corporation, and so as the subscription (in case he be a manager) be taken by two other managers: And no member of the company, in respect of his share,

share, shall be adjudged a bankrupt or subject to foreign attachments.

The transfers shall not be liable to any higher stamp-duties than are now payable; and forging or counterfeiting the company's common seal or bonds, is made felony without benefit of clergy.

The corporation of the *South-Sea* shall continue for ever, and shall enjoy their increased annuity, or yearly fund, 'till the redemption thereof; and shall have, hold, and enjoy, all their forts, factories, acquisitions, lands, &c. for ever, discharged of all former powers of redemption, but subject to the powers hereafter specified.

After *Midsummer*, 1727, upon repayment by Parliament of the whole sum, whereof their capital stock, with all the additions, which (for taking in the annuities, debts, and incumbrances) are to be made thereto by way of increase, shall then subsist; and of all arrears, which arrears shall be paid to the quarterly feast-day next preceding, and from thence by the day, 'till full payment be made; then the yearly fund, and the funds to be added thereto, and the sums for charges of management, shall cease and determine.

After *Midsummer*, 1727, on payment of any sum, not less than one million at a time, a proportional part of the annuities shall cease; and after such redemption, the several duties, revenues, and incomes, shall be understood to be redeemed by Parliament; nevertheless, the corporation shall continue for ever, and enjoy all their forts, factories, lands, &c. which are by this act confirmed and made effectual to them and their successors; and the same company, without having any share in the said yearly funds, after the same shall be redeemed, shall have the sole and exclusive benefits of trade in and to the *South-Sea*, &c.

All the abilities, powers, profits, pains of death, penalties, &c. in any former acts or charters, under the great seal of *Great-Britain*, relating to the corporation, shall continue in force, for securing the possessions, trade, and business of the corporation, as fully and effectually as if repeated and re-enacted.

Provided, that this act shall not hinder the payment of the yearly sum of 700,000 *l.* settled for the support of his Majesty's household, and of the honour and dignity of his crown ; or any of the annuities granted out of the same to his royal highness the Prince of *Wales*, or his trustees ; or 4000 *l. per annum*, payable to the Sheriffs for charges relating to their offices.

So many of the pay tickets as will make up an annuity in the lottery 1710, may be taken in (though the numbers thereof are broken and interrupted) as if all the tickets were of the same number, without being interrupted or broken.

Several of the proprietors of the said pay tickets having disposed of their interest in one, two, or three years succeeding payments, and having all the other pay tickets for the residue of the term of 32 years, may subscribe that whole term, paying to the persons appointed to take in those tickets, the full amount of such pay tickets so disposed of, in trust, to pay such as have right to the same, when the money of those tickets shall be demanded, and delivering up all the rest of those tickets so subscribed for.

The managers are to settle and adjust the properties in the lotteries 5 G. not hitherto adjusted, before the 25th of *December*, 1720, and are to certify, not only the properties in all such tickets as shall be claimed and adjusted before them, but also in all such tickets the properties whereof have been before claimed, but not certified, as the respective acts have appointed.

The company are not to purchase any lands or revenues belonging to the crown, or advance any money, by way of anticipation, or otherwise, on any branch of the revenues, other than such part thereof only on which a credit of loan is granted by Parliament, on forfeiture of treble the value of every sum so lent, one fifth to the informer, and the residue to be disposed of towards public uses.

The several sums of 4,156,306 *l.* 4 *s.* 11 *d.* and the sums to be paid after the rate of four years and a half's purchase, and one year's purchase, to be paid into the *Exchequer* by the *South-Sea* company, shall be issued and applied in manner following, *viz.* out of the first monies to come in, such public debts, carrying interest at 5 *l.* *per cent.* incurred before the 25th of *December*, 1716, founded on acts of Parliament, as are now redeemable, or may be redeemed before the 25th of *December*, 1722, shall be paid off in the first place; then all the remainder of the said sums shall be applied towards paying off so much of the capital stock of the company, as shall then carry interest at 5 *l.* *per cent.* and the treasury are to cause all the monies arising of the said funds to be applied accordingly; and, on every such payment, a proportional part of the increased annuity shall cease.

So much of the monies arising before the 24th of *June*, 1727, by the overplus monies, called the sinking-fund, with the increase thereof, as shall remain after 520,000 *l.* by an act 5 *G.* is compleated; and after discharging such payments as shall be charged upon the sinking-fund by another act of this session; and after paying off such public debts (not being part of the capital of the *South-Sea* company) as may be redeemed before *Midsummer*, 1727, shall be applied, at the end

of every year, as far as the same will extend, by even sums, of 100,000 *l.* at a time, towards paying off part of the capital stock of the company carrying interest at 5 *per cent.* and the treasury are to apply the monies so arising of the sinking-fund accordingly; and a proportionable part of the company's yearly fund shall be reduced.

The treasury shall, by public notice in writing upon the *Royal-Exchange*, and in the *Gazette*, prefix a certain day for bringing in all the residuary *Exchequer* bills uncanceled, amounting to 890,662 *l.* 10 *s.* or thereabouts, to be exchanged for new bills, and all such of the residuary bills, as shall not be brought in upon such notice, to be exchanged for new bills, shall lose their currency, and no interest shall grow due thereon after the day prefixed.

And the treasury shall cause new bills to be prepared, whereof the principal shall not exceed 896,662 *l.* 10 *s.* adding thereto the interest monies which shall be due thereon; which new bills shall bear an interest not exceeding 2 *d.* *per diem*; and the said residuary bills being cancelled, new ones, in lieu thereof, shall be delivered to the bearers; and such of them as shall be delivered to tellers and bearers, shall be placed in their respective offices, as so much cash.

On proof, on oath before a Baron, that any of the residuary *Exchequer* bills were, by casualty, lost, burnt, or destroyed, before the 2^d of *February*, 1719, and the numbers and sums of such bills be ascertained, then, on certificate from a Baron, the treasury are to cause a new bill to be delivered, in lieu of the bill so certified to be lost, &c. provided the person receiving the same, do give security to pay into the *Exchequer* so much money as is contained in such new bill, if the original be afterwards produced.

The *South-Sea* company being willing, during seven years, from *Midsummer*, 1720, to furnish money to trustees for exchanging the bills to be made forth by this act, upon demand, and to bear the interest at their own charges ; and if in this, or any future session of Parliament, any act shall be made for more *Exchequer* bills to be current within the said term of seven years, at the *Exchequer*, and in the public revenues and taxes, upon credit of a fund of security, or of monies to be borrowed thereon, as by Parliament shall be established, then the said company is willing to furnish a proportional part, to enable trustees to exchange and circulate the bills, *viz.* as the principal monies in all the bills shall be to 1,000,000 *l.* so the money necessary to support the currency of all the bills, shall be to the proportion to be furnished by the company ; therefore it is enacted, that the treasury shall nominate three, and the company as many trustees, for circulating the new bills, who shall keep an office at or near the *Exchequer*, to which the bearers of the said bills may, at all seasonable times of the day (*Sundays* and holy-days excepted) resort to have their bills exchanged for ready money.

The company shall, during the said seven years, furnish the trustees with money sufficient to enable them to exchange the bills, by paying all the principal monies contained in such bills, and the interest due thereon, so as all the new bills do not exceed 1,000,000 *l.* at their own proper costs.

The trustees, on exchanging every such bill, shall take in the bill so exchanged, and stand possessed of the same, in trust for the company, and shall be answerable to them for the principal and interest to grow due thereon, during the time they shall be in the hands of the trustees, or the value thereof in like bills.

If during this, or any future session, any other act be made for making forth farther sums in *Exchequer* bills, to be circulated by trustees near the *Exchequer*, within the said seven years, then the company shall bear only a proportional part of such ready money, for circulating, &c. and the trustees shall be answerable to the company for such part, which shall be made good to the company out of the same, or other *Exchequer* bills then current.

The trustees shall, once in fourteen days at the farthest, deliver to the treasury, and to the company, perfect accounts in writing, of all the monies furnished to them for exchanging bills, distinguishing how much thereof has been furnished by the company, and how much on account of the public, pursuant to any future act in that behalf, and how much of the same, furnished by the company, ought to be born by them for interest, or for the proportional part of interest, which they are to bear at their own charge; and shall then deliver to the company *Exchequer* bills, for the principal sums exchanged with the company's money.

And the treasury may make calls of money from the company (not exceeding 100,000 *l.* at a time) for this purpose, which they are to furnish within fourteen days after notice.

The trustees shall exchange the bills upon demand; and any person having six months interest, or more, due on a bill, may demand and have such interest.

No person, for being concerned about circulating these bills, shall be disabled to be a member of Parliament, or be liable to the statutes of bankruptcy.

These bills shall be received by all receivers and collectors of customs, excise, taxes, &c. and at the *Exchequer*; and such as shall be received there, shall be

be locked up as cash, according to the course of the *Exchequer* for locking up money received there ; and all receivers and collectors shall exchange them for ready money in their hands, and on refusal for 24 hours, may be sued, and pay damages and costs ; and on payment of the money so recovered, the plaintiff shall deliver up such bills to the defendant.

As any of these bills shall be paid or lent into the *Exchequer*, the officers there shall cause tallies to be delivered to the payers or lenders, as if the payment had been made in specie.

The interest due on such bills, shall be allowed to all persons paying the same, to the respective days whereon the bills shall be paid, exchanged, or lent.

No interest shall run on these bills, whilst in the hands of any receivers, collectors, or tellers ; and the *South-Sea* company shall not be obliged to bear any part of the interest so saved.

Persons who shall pay bills to receivers, or collectors, or into the *Exchequer*, are to endorse their names, and the time when paid, to which times the receivers, &c. shall be allowed again the interest which they shall have paid upon such bills, on their paying them into the *Exchequer*.

On re-issuing these bills out of the *Exchequer*, the tellers shall endorse on the bills the time when the same were so re-issued, and on what account they were last received in ; from which time the interest shall revive.

The same bills to be re-issued, shall be so re-issued for the principal money to be contained therein, and for so much interest as was due thereon, and allowed by the teller, at the time when such bills were last paid into the *Exchequer*.

Receivers-General are to keep books, in which they, or their deputies, shall enter all the sums by them received, together with the names of the

collectors, from whom received, the days when, and the sums paid, how much in money, and how much in *Exchequer* bills, and what *Exchequer* bills shall have been exchanged ; to which accounts every person may have free access without fee ; and the said accounts shall lie open at a certain place within the limits of their receipt, on forfeiture of 100 l.

In case any of the *Exchequer* bills shall be filled up by endorsements, or be by any accident defaced, the treasury are to cause new bills to be made forth in lieu of them ; and the bills so filled up, or defaced, shall be cancelled, and kept on a file ; and the bills to be made forth in lieu thereof, shall bear the same numbers, dates, and principal sums, and carry the like interest as were born by the cancelled bills.

For the greater ease, and dispatch of business at the *Exchequer*, the treasury, at the request of the *South-Sea* company, may cause *Exchequer* bills, not exceeding 5000 l. each, to be made forth, and to be placed as cash in the *Exchequer*, in lieu of the like value of the principal contained in *Exchequer* bills for lesser sums ; which bills shall have the like currency, &c. as if they had been originally issued by virtue of this act.

Forging or counterfeiting the bills made forth by this act, shall be adjudged to be felony without benefit of clergy.

The trustees shall have one part of the cheques, indents, or counterfoils of all the bills to be made forth by this act, to prevent their being imposed upon by counterfeited or forged bills, which shall be delivered back into the *Exchequer* at the end, or or sooner determination, of the said term of seven years.

If provision be made by Parliament of so much money as will be sufficient to discharge the bills to be made forth by this act, or any proportion thereof

of at a time, and be brought into the *Exchequer* for that purpose, the same shall be applied accordingly, in the method hereby prescribed.

If all the bills to be made forth, be not paid off before the 24th of *June*, 1727, then they shall be charged upon the fund called the sinking-fund.

The court of directors of the *South-Sea* company, with consent of the treasury, may, after the end of the session of Parliament, which shall be after the 24th of *June*, 1721, publicly declare, that the bills to be made forth, or any part of them, shall carry an higher interest than 2 *d. per centum per diem*; and for the greater accommodation and ease of payments, the treasury hath power, at the request of the court of directors, to make out any of the bills to be issued on this act, without interest; yet, nevertheless, those bills may be made to carry interest at 3 *d. per centum per diem*.

If before the 24th of *June*, 1727, any *Exchequer* bills shall be made, and current by authority of Parliament, (except those by this, or any other act of this session, or by any future acts, on credit of the *Exchequer*, or of the public money, which shall be brought into the *Exchequer*, or of such money as the treasury may borrow to support the credit of them) then the *South-Sea* company shall not be obliged to furnish money for exchanging any *Exchequer* bills pursuant to this act, or to bear or pay any interest, or proportion of interest, which from thenceforth shall grow due thereon.

The treasury, out of the sinking-fund, shall defray the charges of executing this act, so far as relates to such persons as shall be appointed for that purpose by the treasury.

Soon after this act passed in their favour, the *South-Sea* company came to the following resolutions.

*At a court of directors of the South-Sea Company,
Thursday, May 19, 1720.*

Resolutions
of the *South-
Sea* com-
pany.

THE court of directors taking into consideration what terms and prices to allow to the proprietors of the long annuities, 9 *per cents.* and tickets of lottery 1710, for which subscriptions have been made at the *South-Sea* house, in order to their being taken into the capital stock of this company, and the price of the company's stock this day being upwards of 375 *l. per cent.* this court came to the following resolutions, *viz.*

I. That there be allowed for every 100 <i>l. per annum</i> of the long annuities (except those commonly called the 14 <i>per cents.</i>)	700 <i>l.</i> in the capital stock of this company, which at 375 <i>per cent.</i> amounts to — — — —	} 2625
And in bonds of the company and money, as is herein after mentioned — — — —		

Total for each 100 <i>l. per annum</i> , amounting to 32 years purchase, is — — — —	} 3200
And in that proportion for every greater or lesser sum than 100 <i>l. per annum</i> of those annuities.	

II. That for the annuities commonly called the 14 <i>per cents.</i> there be allowed for every 98 <i>l. per annum</i> , 700 <i>l.</i> in the capital stock of this company, which at 375 <i>l. per cent.</i> amounts to — — — —	} 2625
And in bonds and money — — — —	

Total for each 98 <i>l. per annum</i> , being 32 years purchase, is — — — —	} 3136
And	

And in that proportion for any greater or lesser sum of those annuities.

III. That for the annuities commonly called the 9 *per cents*. there be allowed for every 90 *l. per annum*, 350 *l.* in the capital stock of this company, which at 375 *l. per cent.* amounts to ————
 And in bonds and money ———— 217 10

Total for each 90 *l. per annum*, being 17 years purchase, is ———— 1530 00

And in that proportion for every greater or lesser sum of those annuities.

IV. That the proprietors of the said long annuities, and of the 9 *per cents*. subscribed as afore-said, shall be intitled to the income of their respective annuities to *Lady-day* last.

V. That for the benefits of the lottery 1710, for the 23 years from *Michaelmas* last, there be allowed for every 100 *l. per annum* 400 *l.* in the capital stock of this company, which at 375 *l. per cent.* amounts to ————
 And in bonds and money ———— 200 00

Total for each 100 *l. per annum*, being 17 years purchase ———— 1700 00

And in that proportion for every greater or lesser sum than 100 *l. per annum* of those benefits.

VI. That for the blanks of lottery 1710, for every 98 *l. per annum*, there be allowed 350 *l.* in the capital stock of this company, which at 375 *l. per cent.* amounts to ————
 And in bonds and money ———— 353 10

Total for each 98 *l. per annum*, being 17 years purchase, is ———— 1666 00

And

And in that proportion for every greater or lesser sum than 98 *l. per annum*; but that where any persons tickets, valued as above, do not amount to 25 *l.* in stock, that such persons be paid in money after the said rate of 17 years purchase.

VII. That all the proprietors of the said long annuities, 9 *per cents*, and tickets of lottery 1710, subscribed as aforesaid, shall be intitled to the 10 *l. per cent.* stock, already voted for the next *Midsummer* dividend.

VIII. That the bonds to be given on account of these subscriptions, be all in even hundred pounds, and bear date the 26th of *March* last, and be payable the 26th of *March*, 1722, and carry 4 *l. per cent. per annum* interest; and that all sums, under an even 100 *l.* be paid in money.

IX. That after the 1st of *December* next, the said bonds be taken in all payments on subscriptions for this company's stock.

X. That if any person or persons, by or for whom any such subscriptions, as aforesaid, have been made of long annuities, 9 *per cents*, or tickets of lottery 1710, shall, on or before *Wednesday* the 25th instant, by themselves, or the person or persons who subscribed for them, come to the *South-Sea* house, and signify their non acceptance of the company's said terms, by writing under their hands, such person or persons shall have their subscriptions vacated, and their orders and tickets returned.

XI. That such persons as have subscribed any of the long annuities, 9 *per cents*, or lottery tickets, at the *South-Sea* house, and have not left their

their orders, or tickets, are desired to bring them thither, on or before the said 25th instant.

And that such persons as have left their orders and tickets, and have not subscribed the books, are desired to come to the *South-Sea* house and subscribe the books, or empower others to subscribe for them, on or before the said 25th instant. And such persons as make default in either of the said cases, will not be included in this subscription.

These offers, instead of having the desired effect, occasioned, at first, great murmurings among the annuitants, who having expected ten years, found, that they were to have but eight years and a quarter purchase: Whereupon some of them withdrew their orders, and others resolved not to subscribe: But the *South-Sea* managers having found ways and means to raise their stock to above 500*l. per Cent.* most of the annuitants appeared easy, and acquiesced in their proposals; so that it was computed, that by the 25th of *May*, near two thirds of the annuities, and other effects, above-mentioned, were subscribed.

Mean while the proclamation against Stock-jobbing, had put an effectual stop to the late pernicious projects and undertakings, which, to the number of about an hundred, were first set on foot and promoted by crafty knaves, then pursued by multitudes of covetous fools, and, at last, appeared to be, in effect, what their vulgar appellation denoted them to be, *viz.* bubbles, or mere cheats. It was computed, that near one million and a half sterling, was won or lost by these extravagant and unwarrantable practices, whereby many unwary persons were defrauded and impoverished, and a few busy upstarts enriched, to the great detriment of domestic trade.

Nor

Nor did the grand commerce of the *British* nation, in foreign parts, suffer less by the stock-jobbing of the public funds, particularly of the *South-Sea* stock, which drew a vast concourse of persons of all ranks to *Exchange-Alley*. By their unexampled eagerness of laying out their money in a fund that promised so plentiful a return of gain, that stock which, about the latter end of *May*, was at about 550, rose, on a sudden, so prodigiously, that on *Thursday* the 2d of *June* it came up to 890. Many cautious persons being willing to take this opportunity to secure their great profits, there appeared, the next day, so many sellers in the alley, that by two or three in the afternoon, the stock fell to 640 ; at which the chief directors of the *South-Sea* company being somewhat alarmed, they set to work their trusty agents, by whose artful management, the stock was the same evening advanced to 750 ; about which price, with some small fluctuation, it continued 'till the closing of the company's books on the 22d of *June*. In the mean time, the *South-Sea* stock suffered a considerable shock : For many persons, who were to follow the King to *Hanover*, and others, who were hard put to it, to make their second payment to the first subscription, were both equally desirous to turn their stock into money ; so that, for some days, the number of sellers exceeded that of buyers. Hereupon the Managers of the *South-Sea* company bethought themselves of two expedients : The first was, their lending out money or notes to the proprietors of their capital stock, to the sum of 400 *l.* upon every 100 *l.* original stock (which shewed it to be worth above that sum) at the rate of 4 *l. per Cent. per Ann.* the second, their giving public notice, that all persons possessed of the company's bonds, which fell due on the 25th of *June*, might then have their money for the same, of the company's Cashier : And that the said bonds would be taken in on the said second payment for the

2,250,000 *l.*

2,250,000 *l.* *South-Sea* stock, sold by subscription, after the rate of 300 *l.* for each 100 *l.* original stock. By these means, money being plenty, and the stock-jobbers in good humour, the *South-Sea* company opened their books for a third subscription, at the rate of 1000 *l.* for each 100 *l.* capital stock; to be paid in ten equal payments, one in hand, the other nine half-yearly. It was at first given out, that the company designed to take in subscriptions only for one million, original stock: But some men in power having taken this opportunity to oblige and reward their friends and retainers, their lists were so full, that the directors were obliged to enlarge the subscription to about four millions, capital stock; which, at that rate, amounts to forty millions sterling. What's yet more wonderful, these last subscriptions were, before the end of *June*, sold at above 200 *l.* *per Cent.* advance; and after the closing of the transfer-books, the original stock rose to above 1000 *l.* *per Cent.* At the same time, the first subscriptions were at about 560, and the second at about 610 *per Cent.* advance.

Mean while the Lord Justices of *Great-Britain* taking notice, that notwithstanding the late act of Parliament, and his Majesty's proclamation conform thereto, several of the late fraudulent and illegal projects, commonly called bubbles, were still carrying on, their Excellencies thought fit to put a stop to those pernicious practices; in order to which they came to the following resolution:

At the Council Chamber Whitehall, the 12th of July, 1720. Present, their Excellencies the Lords Justices in Council.

THEIR Excellencies the Lords Justices in Council taking into consideration the many inconveniencies arising to the public, from several projects

Resolutions
of the Lords
Justices relating to the
bubbles.

‘ projects set on foot for raising of joint stocks for various purposes, and that a great many of his Majesty’s subjects have been drawn in to part with their money, on pretence of assurances that their petitions for patents and charters, to enable them to carry on the same, would be granted : To prevent such impositions, their Excellencies, this day, ordered the said several petitions, together with such reports from the board of trade, and from his Majesty’s Attorney and Solicitor-General, as had been obtained thereon, to be laid before them, and after mature consideration thereof, were pleased, by advice of his Majesty’s Privy-Council, to order that the said petitions be dismissed.’ Which are as followeth.

Petition of several persons, praying letters patents for carrying on a fishing-trade, by the name of the *grand fishery of Great-Britain*.

Petition of the company of the *royal fishery of England*, praying letters patents for such farther powers as will effectually contribute to carry on the said fishery.

Petition of *George James*, in behalf of himself, and divers persons of distinction, concerned in a *national fishery*, praying letters patents of incorporation to enable them to carry on the same.

Petition of several merchants, traders, and others, whose names are thereunto subscribed, praying to be incorporated for reviving and carrying on a *whale fishery to Greenland* and elsewhere.

Petition of *Sir John Lambert*, and others thereto subscribing, on behalf of themselves, and a great number of merchants, praying to be incorporated for carrying on a *Greenland trade*, and particularly a *whale fishery in Davis’s Streights*.

Another petition for a *Greenland trade*.

Petition

Petition of several merchants, gentlemen, and citizens thereto subscribing, praying to be incorporated for buying or building of ships to let or freight.

Petition of *Samuel Antrim*, and others, praying letters patents for sowing hemp and flax.

Petition of several merchants, masters of ships, sail-makers, and manufacturers of sail-cloth, praying a charter for an incorporation, to enable them to carry on and promote the said manufactory by a joint stock.

Petition of *Thomas Boyd*, and several hundred merchants, owners and masters of ships, sail-makers, weavers, and other traders, praying a charter of incorporation, empowering them to borrow money for purchasing lands, in order to the manufacturing sail-cloth, and fine *Holland*.

Petition on behalf of several persons intrusted in a patent granted by the late King *William* and Queen *Mary*, for the making of linnen and sail-cloth, praying, that no charter may be granted to any persons whatsoever for making sail-cloth, but that the privilege now enjoyed by them may be confirmed, and likewise an additional power to carry on the cotton and cotton-silk manufactures.

Petition of several citizens, merchants, and traders, in *London*, and other subscribers to a *British* stock, for a general insurance from fire in any part of *England*, praying to be incorporated for carrying on the said undertaking.

Petition of several of his Majesty's loyal subjects of the city of *London*, and other parts of *Great-Britain* thereto subscribing, praying to be incorporated for carrying on a general insurance from losses by fire within the kingdom of *England*.

Petition of *Thomas Burges*, and others, his Majesty's subjects thereto subscribing, in behalf of themselves and others, subscribers to a fund of 1,200,000*l.* for carrying on a trade to his Majesty's *German* dominions,

minions, praying to be incorporated by the name of the *Harbourg* company.

Petition of *Edward Jones*, a dealer in timber, on behalf of himself and others, praying to be incorporated for the importation of timber from *Germany*.

Petition of several merchants of *London*, and others, praying a charter of incorporation for carrying on a salt work.

Petition of Captain *Macpheadris*, of *London*, merchant, on behalf of himself and several merchants, clothiers, hatters, dyers, and other traders, praying a charter of incorporation, empowering them to raise a sufficient sum of money, to purchase lands for planting and rearing a wood called *Mader*, for the use of the dyers.

Petition of *Joseph Galendo*, of *London*, snuff-maker, praying a patent for his invention to prepare and cure *Virginia* tobacco for snuff, in *Virginia*, and making it into the same within all his Majesty's dominions.

Besides the projects and undertakings above-mentioned, many others had been set up and carried on, under the names of bubbles, *viz.*

For the importation of *Swedish* iron.

For supplying *London* with sea-coal, a subscription of three millions.

For building and rebuilding houses throughout all *England*, three millions.

For making of muslin.

For carrying on and improving the *British* allum-works.

For effectually settling the island of *Blanco* and *Sal-Tortugas*.

For an engine to supply fresh water for the inhabitants of the town of *Deal*.

For

For buying and importing of *Holland, Flanders-Lace, &c.*

For improvement of lands in *Great-Britain*, four millions subscription.

For encouraging the breed of horses in *England*, and improving of glebe and church-lands, and repairing and rebuilding parsonage and vicarage houses.

For making of iron and steel in *Great-Britain*.

For improving land in *Flintshire*, one million.

For purchasing lands, &c. to build on, two millions.

For trading in hair.

For erecting salt-pans in *Holy-island*, two millions.

For buying and selling estates, lending money on mortgages, &c.

For carrying on an undertaking of great advantage, but no body to know what it is.

For paving the streets of *London*, two millions.

For furnishing funerals to any part of *Great-Britain*.

Another for buying and selling lands, and lending money at interest, five millions.

For carrying on the royal fishery of *Great-Britain*, ten millions.

For assuring of seamens wages.

For erecting loan-offices for the assistance and encouragement of the industrious, two millions.

For purchasing and leasing improveable lands, four millions.

For importing pitch and tar, and other naval stores, from *North-Britain* and *America*.

For the cloathing, felt, and pantile trade.

For purchasing and improving a manor and royalty in *Essex, &c.*

For insuring of horses two millions.

For exporting the woollen manufacture, and importing copper, brass, and iron, four millions.

For a grand dispensary, three millions.

For erecting mills for milling of lead, and purchasing of leads mines, &c. two millions.

For improving the art of making soap.

For a settlement on the island of *Santa Cruz*.

For sinking pits, and melting lead-ore in *Darbyshire*.

For making glass-bottles, and glass,

For a wheel for perpetual motion, one million,

For improving of gardens.

For insuring and increasing childrens fortunes.

For entering and loading goods at the Custom-house, and for negotiating business for merchants.

For carrying on a woollen manufacture in the *North of England*.

For importing walnut-tree from *Virginia*, two millions.

For making *Manchester* stuffs of thread and cotton.

For making *Joppa* and *Castile* soap.

For the wrought iron and steel manufactures in this kingdom, four millions.

For dealing in lace, hollands, cambricks, lawns, &c. two millions.

For trading in, and improving certain commodities of the product of this kingdom, &c. three millions.

For supplying the *London* markets with cattle.

For making looking-glasses, coach-glasses, &c. two millions.

For the tin and lead mines in *Cornwall* and *Darbyshire*.

For making rape oil.

For importing beaver-fur, two millions.

For making pastboard, packing-paper, &c.

For importing of oils and other materials used in the woollen manufactures.

For improving and increase of the silk manufacture.

For lending money on stocks, annuities, tallies, &c.

For

For paying pensions to widows, &c. at small discount, two millions.

For improving malt-liquors, four millions.

For a grand *American* fishery.

For purchasing and improving fenny lands in *Lincolnshire*, two millions.

For improving the paper manufacture in *Great-Britain*.

The bottomry society.

For drying malt by hot air.

For carrying on a trade in the river *Oroonoko* in *America*.

For the more effectual making of baiz in *Colchester*, and other parts of *Great-Britain*.

For buying of naval stores, supplying the victualing, and paying wages of the workmen.

For employing poor artificers, and furnishing merchants and others with watches.

For improvement of tillage, and the breed of cattle.

Another for the improvement of our breed of horses.

Another for insuring of horses.

For carrying on the corn trade of *Great-Britain*.

For insuring to all masters and mistresses the losses they shall sustain by servants, three millions.

For erecting houses, or hospitals, for taking in and maintaining bastard children, two millions.

For bleaching of coarse sugars, without the use of fire, or loss of substance.

For turnpikes and wharfs.

For insuring from thefts and robberies.

For extracting silver from lead.

For making *China* and *Delft* ware, one million.

For importing of tobacco, and exporting it again to *Sweden*, &c. four millions.

For making iron with pit coal.

For furnishing the cities of *London* and *Westminster*, and the suburbs, with hay and straw.

For a sail and packing-cloath manufactory in *Ireland*.

For taking up ballast.

For buying and fitting out ships to suppress pyrates.

For importing timber from *Wales*, two millions.

For rock-salt.

For the transmutation of quick-silver into a malleable fine metal.

The several sums intended to be raised by these airy projects, amounted to little less than three hundred millions sterling, a sum so immense, that it exceeds the value of all the lands in *England*, at the ancient rate of twenty years purchase : Therefore it will hardly be believed by posterity, that such extravagant undertakings should have been so much as thought of, or proposed, in a nation formerly so famed for prudence and skill in commercial affairs : But the eagerness of getting riches by quick and easy methods, tho' never so mean and dishonourable, had, at this time, intoxicated the minds of most people, of all ranks and conditions, to such a degree, that most of the said bubbles found many subscribers : Some of whom sold their permits, or first subscriptions, at a great profit, whereby the last buyers were, at last, bubbled out of considerable sums.

The transfer-books of the *South-Sea* company having been shut up during this whole month of *July*, there was no great variation, save only that the price of the capital stock decreased gradually from above 1000 to 930, in proportion, as the last subscription at a 1000, rose to 330, advance, or clear profit. In the mean time, the directors of the *South-Sea* company, at a meeting held at their house on *Friday* the 8th of *July*, resolved to open their books for taking in subscriptions of the lottery-tickets, and other short annuities, to the amount of six millions sterling :

But

But though they did not then think fit to declare at what rate they designed to take in those effects, yet the proprietors entirely trusted to their integrity, and readily subscribed the same, on the 14th and 15th of that month,

On the 15th of *July*, the books which had been opened at the *South-Sea* house, for receiving subscriptions of the lottery tickets and short annuities, to the amount of six millions sterling, were shut up ; after which, whatever was the reason, the company's capital stock fell gradually, till the end of that month, from about 1000 to about 900, including the *Midsummer* dividend. In the mean time, it being confidently reported, that the said capital stock was to be enlarged by a fourth subscription, in money, some persons in eminent stations desired the principal managers to put off the said subscription, till the proprietors of the remaining part of the long annuities had subscribed the same ; the taking in those public debts, in order to make them redeemable, being the main view upon which the ministry and the Parliament thought fit to encourage the *South-Sea* project. Some pretend that those in power made this step, not only to free themselves from the importunities of many, who sued to be set down in their lists for a share in the next subscription, but also in order to reserve part of the to-be-increased capital stock, 'till a new set of directors were chosen, who should have a share in the profits of future subscriptions, in case the humour of buying up the same at an advanced price should last so long. Be that as it will, in a committee of the directors of the *South-Sea*, which sat on the 27th of *July*, it being considered that several persons, who had been admitted as subscribers to the third subscription in money, had not yet made their first payment, it was proposed and resolved, That none but the proprietors of their capital and increased stock, should be admitted into
Z 3 the

the next subscription in money, at the rate of 20 *l.* *per Cent.* so that a proprietor of 1000 *l.* capital stock, should be intitled to subscribe 200 *l.* In this resolution, they who hitherto had carried on this great project with equal skill, dexterity, and success, had undoubtedly two things in view ; first, to allay the murmurings of many of the old proprietors, who complained that the directors, and the great men at court, had engrossed for themselves and their dependents most of the profits of the three first subscriptions ; and, secondly, that in case the eagerness of buyers should abate, which was to be apprehended from the daily sinking of the *South-Sea* stock, the company might be assured that the new subscribers would make the several payments, to which they should submit themselves, and for which their capital stock would be a sufficient security. On the other hand, many of the old proprietors were so far from looking upon the forementioned resolution as a favour, that, on the contrary, they did not stick to say, that *the directors having had the cream for themselves, would now give the proprietors the sowre milk.* This complaint seemed to be the better grounded, because 'twas well known, that they who had got most by the *South-Sea*, daily endeavoured to sell out, and thereby secure their vast profits ; and, in particular, that the principal projector of this affair had bought considerable estates in *Norfolk* and other counties.

On the 3d of *August*, at a court of directors of the *South-Sea* company, it was resolved to receive subscriptions of all the remaining long and short annuities, lottery tickets, and other public securities, both redeemable and unredeemable : For which purpose books were opened the next day at the *South-Sea House*, and continued so till the 11th of *August*. The next day the directors came to several resolutions, which were made public, as follows :

At a court of Directors of the South-Sea Company.

THE court of directors taking into consideration what terms and prices to allow to the proprietors of the long annuities, nine *per Cents.* and tickets of lottery 1710, and also for the public redeemable debts and annuities, for which subscriptions have been made at the *South-Sea* house, in order to their being taken into the capital stock of this company, and the price of the company's stock being this day upwards of 900 *per Cent.* including therein the *Midsummer* dividend of 10 *per Cent.* stock, which makes the stock (exclusive of that dividend) about 820 *per Cent.* This court came to the following resolution, *viz.*

Resolutions
of the *South-Sea* company
with respect
to annuities,
&c.

I. That there be allowed for every 100 *l. per Ann.* of the long annuities (except those commonly called the fourteen *per Cents*) 400 *l.* in the capital stock of this company, which at 800 *l. per Cent.* (exclusive of the *Midsummer* dividend) amounts to ————— 3200 *l.*

And in bonds of the company, or money,
as is herein after-mentioned, ————— 400
—————

Total for each 100 *l. per Annum*, amount-
ing to, at 36 years purchase, ————— 3600
—————

And in that proportion for every greater or lesser
sum than 100 *l. per Annum* of those annuities.

II. That for the annuities commonly called the four-
teen *per Cents.* there be allowed for every 98 *l.*
per Annum, 420 *l.* in the capital stock of this
company, which at 800 *l. per Cent.* (exclusive of
the *Midsummer* dividend) amounts to — 3360 *l.*

And in bonds or money ————— 168
—————

Total for each 98 *l. per Annum*, being 36
years purchase, is 3528

And in that proportion for any greater or lesser
sum than 98 *l. per annum* of those annuities.

III. That for the annuities commonly called the 9
per Cents. there be allowed for every 90 *l. per An-*
num, 200 *l.* in the capital stock of this company,
which, at 800 *l. per Cent.* (exclusive of the *Mid-*
summer dividend) amounts to 1600 *l.*

Which is 17 years purchase, and 7 ninths.
And in that proportion for every greater or lesser
sum than 90 *l. per Annum* of those annuities.

IV. That the proprietors of the said long annuities,
and of the Nine *per Cents.* subscribed as aforesaid,
shall be intitled to the income of their respective
annuities to *Midsummer* last.

V. That for the benefits of lottery 1710, for the
whole 23 years, there be allowed for every 100 *l.*
per Annum, 200 *l.* in the capital stock of this
company, which, at 800 *l. per Cent.* (exclusive of
the *Midsummer* dividend) amounts to — 1600 *l.*
And in bonds or money 150

Total for each 100 *l per Annum*, being 17
years and a half purchase, is 1750

And in that proportion for every greater or lesser
annual sum than 100 *l. per Ann.* of those benefits.

VI. That for the blanks of lottery 1710, for every
98 *l. per Annum* there be allowed 210 *l.* in the
capital stock of this company, which at 800 *l. per*
Cent. (exclusive of the *Midsummer* dividend) a-
mounts to 1680 *l.*

And in bonds or money ————— 35

Total for each 98 l. *per Annum*, being 17
years and an half purchase, is ——— 1715

And in that proportion for every greater or leſſer ſum
than 98 l. *per Annum.*

VII. That all the redeemable annuities and debts subscribed as aforesaid, as well those at 4 *per Cent.* as those at 5 *per Cent.* be taken in at 105 *per Cent.* and be allowed for the same capital stock of this company, at the rate of 800 *l. per Cent.* (exclusive of the *Midsummer* dividend) and that the proprietors of these redeemables shall be intitled to the income, annuity, and interest of the respective debts to *Midsummer*, 1720.

VIII. That for the redeemables and irredeemables subscribed as aforesaid, no stock be allowed but in even five pounds, and that the rest be paid in money or bonds, at the several rates aforesaid.

IX. That the bonds to be given on account of these subscriptions, be all in even one hundred pounds, or fifty pounds, and bear date the 25th of *June*, 1720, and be payable the 25th of *June*, 1722, and carry 4 *l. per Cent. per Annum* interest, and that all sums under fifty pounds be paid in money.

The said court of directors give notice, that the third payment on the first subscription to the said company's stock is to be on the 15th instant, and that the said company will lend the money for the said payment for six months, at an interest of 4 *l. per Cent. per Annum*, to such as shall desire the same.

And that the second payment on the second subscription will be payable the 14th of *September* next, and that the said company will lend the money for that

that payment for six months, at an interest of 4 *l. per Cent. per Annum*, to such as shall desire the same. — Which loans will be indorsed on the subscription receipts, and then the receipts will be delivered back to the proprietors.

They farther give notice, that to all such persons as shall pay all or any of the subsequent payments, on the said first and second subscriptions, before the times for payment, there will be a discount allowed, after the rate of 4 *l. per Cent. per Annum*, from the times of paying the money, to the times such payments would become due.

It is, however, to be observed, that many of the annuitants were not satisfied with these offers, which, they said, put so vast a disparity (no less than near half-by-half) between them and the former subscribers. For by the resolution of the directors, of the 19th of *May*, 1720, there was allowed for every 100 *l. per Annum* of the long annuities 700 *l.* in the capital stock, besides 10 *l. per Cent.* in the said stock for the *Midsummer* dividend, and in bonds and money 575 *l.* all which (computing the stock at 800 *l. per Cent.* as it was given to the present subscribers of the like annuities) amounted to the sum of 6735 *l.* whereas by these last resolutions, there was allowed for the self-same annuity, only the total sum of 3600 *l.* thereupon some of the last subscribers went to the *South-Sea* house, in order to withdraw their effects; but were told by the clerks, that they had no orders from the directors for delivering back the same; and so that matter rested there for some time undetermined.

The uneasiness of the annuitants put a fresh damp upon the *South-Sea* stock: But what affected it yet more, was the audaciousness of many persons concerned in several illegal projects, who, in open defiance to the late acts of Parliament, to the King's Proclamation, and to the orders and prohibitions of the Lords Justices, carried on the *Bubbling-Trade*, crowded

crowded *Exchange-Alley*, and made it ring with their loud cries. Moreover, some companies, authorised either by charters or acts of Parliament, did at this time considerable prejudice to the *South-Sea*, by endeavouring to imitate the management of the latter, in getting in subscriptions; whereupon the principal directors of the *South-Sea* applied themselves to those at the helm, who procured an order from their Excellencies the Lords Justices, which was first published in the *London-Gazette* of Saturday, August 20, as follows:

Whitehall, August 18, 1720.

THE Lords Justices have received a memorial from the right honourable the Lords Commissioners of his Majesty's treasury, and thereupon taking into consideration the great trade now carrying on, in the buying and selling of stocks not warranted by law, which must unavoidably turn to the destruction of public credit, and to the ruin of trade, and of many private families, who unadvisedly engage therein: Notwithstanding his Majesty, out of his tender regard to the good of his subjects, had, by his royal Proclamation of the 11th of June last, given sufficient warning of the severe penalties that would be incurred by such practices; which are such fines, penalties, and punishments, whereunto persons convicted for common and public nuisances, are by any of the laws and statutes of this realm subject and liable: And moreover, such farther pains, penalties, and forfeitures, as were ordained and provided by the statute of *Provision* and *Præmunire*, made in the 16th year of King Richard II. viz. Forfeiture of lands and tenements, goods and chattels, and imprisonment, and a penalty of five hundred pounds for every broker, or person acting as a broker, (besides inability and incapacity to act as a broker for the future) one moiety thereof to the crown, and the other moiety thereof to the informer, or person suing

An order of the Lords Justices against the York-buildings company, &c.

suing for the same in any of his Majesty's courts of Record, with full costs of suit. *Their Excellencies being attended this day by Mr. Attorney-General, according to their order, gave him express directions to bring writs of Scire Facias against the charters or patents of the companies following :*

York-Buildings Company,
Lustring Company,
English Copper,
Welch Copper and Lead.

And also against any other charters or patents which have been or shall be made use of, or acted under, contrary to the intent or meaning of an act passed the last session of Parliament, for restraining several extravagant and unwarrantable practices therein mentioned, intitled, An act for better securing certain powers and privileges intended to be granted by his Majesty, by two charters for assurance of ships and merchandize at sea, and for lending money on bottomree, and for restraining several extravagant and unwarrantable practices therein mentioned : And likewise to prosecute, with the utmost severity, all persons who have opened, or shall open, any books for public subscriptions, who have paid or received, or shall pay or receive, any money upon such subscriptions ; who have made or accepted, or shall make or accept, any transfer or pretended transfer of any share or shares upon such subscriptions, contrary to the true intent and meaning of the said act ; or who have acted, or shall in any wise act or offend against the same. Of which their Excellencies have ordered public notice to be given in the Gazette, as a farther caution, to prevent the drawing of unwary persons, for the future, into practices contrary to law, and of which the consequences may prove so grievous and fatal to the offenders.

This

This order and comminatory warning of the Lords Justices (though conveyed to the public by way of *Advertisement*) put a sudden damp on the stocks of the companies therein mentioned, and of other illegal projects, and struck a great consternation among the persons concerned in them, some of whom thereby sustained considerable losses, and all of them saw their extravagant hopes and expectations vanish into smoke. Upon the murmurings occasioned by their disappointment, the Lords Justices were pleased to order the directors of the said companies to attend them at a general council which their Lordships held, on *Tuesday* the 23d of *August*, at the *Cockpit*; where their Excellencies condescended to tell them the reasons that had obliged them to order a prosecution against them. The directors, both of the *Royal Exchange* and of the *London* (or *Ram's* insurance, attended likewise their Excellencies, who were pleased to caution them to keep strictly to the limitation of their respective charters, that no complaint might lie against them.

The companies ordered to be prosecuted, having, by this time, recovered their first fright, and consulted able lawyers, seemed resolved to stand trial, and assert their rights of managing their own affairs as they thought fit. The *Welch Copper Miners* were yet more bold and refractory; for that very day, (the 23d of *August*) they opened their books, and made transfers of their stocks; whereupon the agents of the *South-Sea* company caused, the same evening, the following paper to be published against them, viz.

‘ **W**HEREAS their Excellencies the Lords
 ‘ Justices have been pleased, in the *Gazette*
 ‘ of *Saturday* last, to order writs of *Scire Facias* to
 ‘ be brought against *all unlawful undertakings*; a-
 ‘ mongst which the company of *Welch Copper Mi-*
 ‘ *ners*, with three others, are particularly named;
 ‘ and

‘ and the gentlemen of that society have thereupon
 ‘ ordered their books and charter to be laid before
 ‘ Mr. Attorney-General ; a society of loyal citizens,
 ‘ who have at heart their utmost acknowledgments
 ‘ for this seasonable interposition of their Excellen-
 ‘ cies, by their commands, to suppress what struck at
 ‘ the root of trade in general, and had brought it, in
 ‘ a manner, to its last declension, hereby testify their
 ‘ most dutious thanks, for the hopes they have of the
 ‘ restoration of commerce to a very flourishing con-
 ‘ dition. And whereas, notwithstanding the late Pro-
 ‘ clamation, act of Parliament, and their Excellencies
 ‘ order, the said company continue to negotiate their
 ‘ affairs, and to admit transfers of the said stock to be
 ‘ made and accepted ; the abovementioned citizens
 ‘ desire to know of these contraveners of law and
 ‘ commands, what answer they can give to the fol-
 ‘ lowing Queries : *What was the amount of their ca-
 ‘ pital stock, on or before Christmas last ? How much
 ‘ was added thereto by their late subscription ; and what
 ‘ parts of the said subscription were given gratis among
 ‘ the managers of the said undertaking ? Also how long
 ‘ it was before the said subscription, that the company
 ‘ acted, and what was the occasion of their ceasing to
 ‘ act, when they lay by for a considerable time ?*

It is observable, that before the Lords Justices
 caused the order above-mentioned to be published,
 their Excellencies sent a compliment to the Prince
 of *Wales*, to acquaint his Royal Highness, that the
 company of *English* copper, of which his Royal
 Highness had been pleased to be chosen governor,
 being illegal, they were forced to involve it in the
 said order ; which compliment his Royal Highness
 received very graciously, and thereupon sent a mes-
 sage to the said company, desiring them to chuse
 another governor.

All this while the *South-Sea* stock continued sinking ; infomuch that on *Wednesday* the 17th of *August*, it fell to 830, including the *Midsummer* dividend ; which having given the directors of that company no small uneasiness, some of their agents were immediately detached into *Exchange-Alley*, to buy a considerable quantity of stock, which thereupon rose to 880. But the humour of selling out continuing the two following days, the stock fell again to about 820, at which price the transfer-books of the company were opened on *Monday* the 22d of *August*. That day, and the next morning, there was a great crowd at the *South-Sea* house : And the directors observing, that great quantities of stock had been bought at 1000, and even at higher rates, for the opening of the books, and that many persons would be obliged to sell out, in order to pay the difference, which could not fail sinking the stock yet lower, they came to a sudden and unexpected resolution, to shut, that very day, *August* 23, the transfer-books, and, the next day, to open other books, for taking in a money-subscription of one million, to the capital stock, at the rate of 1000 *l.* for every 100 *l.* capital stock, which subscription should be paid in five payments, *viz.* 20 *l.* *per Cent.* in hand, and the rest in four equal half-yearly payments. Accordingly, the subscription-books were opened at the *South-Sea* house on the 24th of *August*, and there was such a vast crowd of subscribers, and amongst them not a few of the prime nobility, that in less than three hours, more than the intended sum was subscribed ; and that very afternoon, this fourth subscription was sold in *Exchange-Alley*, at 30 or 40 *per Cent.* advance. The next day, the principal directors of the *South-Sea* having consulted together about their future management, came to several resolutions, of which, that very evening, they informed the public, by the following advertisement, *viz.*

South-Sea House, August the 25th, 1720.

THE court of directors of the *South-Sea* company give notice, that the transfer-books of the said company will be shut, from and after *Wednesday* the 31st of *August* instant, to *Wednesday* the 21st of *September* next, in order to the admitting, as well the proprietors of the original capital stock of the said company, and of the stock had, and to be had, for the last *Midsummer* dividend, as the proprietors of the stock in the said company to be had for all the long annuities, 9 *per Cents.* and tickets of lottery 1710, and of the several redeemable debts, which have been subscribed or deposited, or authorised to be subscribed into the capital stock of the said company; and also the proprietors of the first, second, third, and fourth money-subscriptions of the said company, into a subscription of 20 *per Cent.* of the capital stock of the said company, upon the terms agreed upon by the court of directors of the said company. The company will lend the first payment for the said intended subscription, to all the proprietors of the original and dividend stock, and of the subscription in the long annuities, 9 *per Cents.* and tickets of lottery 1710, and in the redeemable debts, and of the first and second money-subscriptions, without transferring their stock, or depositing the subscription receipts; which subscription-books will be opened at the company's house, on *Monday* the 12th of *September* next inclusive; and such of the said proprietors as do not subscribe by themselves, or other persons duly authorised by them, within that time, will be excluded the benefit of the said subscription.

The next day (*August* the 26th) the transfer-books were opened again; but the *South-Sea* stock, instead

instead of advancing, being by this time fallen under 800, the directors, who had now considerable sums of money in their hands, thought fit to lend part of it to their proprietors, viz. 4000*l.* upon every 1000*l.* capital stock, for six months, at the rate of 4 *per cent per annum*, which enabled some of those who had bought stock at a higher price than the present, to satisfy their creditors. What still embarrassed the directors of the *South-Sea*, was the case of the annuitants, and others, who had lately subscribed their public securities, and who thought it a great hardship to have the *South-Sea* stock given them at 800*l. per cent.* when it was now little above 700, exclusive of the *Mid-summer* dividend. In order to silence these, and the like murmurings, after a long consultation, on the 30th of *August*, the directors came to a resolution, that 30 *per cent.* in money, should be the half year's dividend, due at *Christmas* next; and that from thence, for twelve years farther, not less than 50 *per cent.* in money, should be the yearly dividend on their stock.

This declaration of the future dividends seemed at first to give fresh credit to the *South-Sea* company, and raised their stock to about 800 for the opening of the transfer-books; yet it soon flagged, and gradually, in about three weeks time, fell below 400. But to resume the historical account of this important affair, we must take notice, that the directors having proceeded thus far, thought it high time to get the sanction of the whole corporation, for which purpose, they appointed a general court of the said company to be held at *Merchant-taylors* hall in *Threadneedle-street*, on *Thursday* the 8th of *September*, on special affairs, declaring withal, that this assembly would be one of the half-yearly general courts appointed by the charter; and to chuse a Committee of seven, to inspect the by-laws.

On the appointed day, the friends of the directors took care to repair betimes to *Merchant-taylors* hall, which by 9 o'clock in the morning was filled up; and abundance of proprietors and annuitants, who endeavoured to get in, could not gain admittance. The directors having taken their seats between 11 and 12 of the clock, Sir *John Fellowes*, sub-governor, acquainted the assembly with the subject matter of their meeting, read to them the several resolutions of the court of directors, and gave them an account of their proceedings thereupon, of taking in both the redeemable and unredeemable funds, and of the subscriptions in money. This done, Mr. *Craggs*, senior, made a short speech, wherein he commended the conduct of the directors; and urged, that nothing could more effectually contribute to the bringing this scheme to perfection, than unanimity and union among themselves; and concluded with a motion for returning thanks to the court of directors, for their prudent and skilful management, and for desiring them to proceed in such methods, as they should think most proper for the interest and advantage of the corporation.

Mr. *Craggs* was seconded by Mr. *Hungerford*, who said, among other things, ' That he had
' seen the rise and fall, the decay and resurrection,
' of many communities of this nature; but that
' in his opinion, none ever performed such wonderful things, in so short a time, as the *South-Sea* managers had brought to pass. That they
' had done more than the crown, the pulpit, and
' the magistrate could do; for they had reconciled all parties in one common interest, and thereby laid asleep, if not wholly extinguished, our
' domestic jarrs and animosities. That by the rise
' of their stocks, the moneyed men had vastly increased their fortunes; the country gentlemen
' had

‘ had seen the value of their lands doubled and
‘ trebled in their hands ; and they had, at the
‘ same time, done good to the church, not a few
‘ of the reverend clergy having got great sums
‘ by this project. That, in short, they had en-
‘ riched the whole nation ; and he hoped they had
‘ not forgot themselves.’ One or two members
of the assembly having offered to speak in fa-
vour of the annuitants, and to censure the con-
duct of the directors, they were presently hissed
to silence ; and Mr. *Hungerford* resuming his
speech, continued justifying and applauding the
directors, and concluded with backing Mr.
Cragg’s motion. His Grace the Duke of *Port-*
land spoke on the same side, and said, he did not
know what reason any body had to be dissatis-
fied ; and gave in the draught of the motion for
returning thanks to the directors, which being
read by the clerk, and the question put thereup-
on, was unanimously approved. It was also agreed,
that according to the former resolution of the di-
rectors, the next *Christmas* dividend on the stock,
and subscriptions in money, should be 30 *per cent.*
and that a dividend of not less than 50 *per cent.*
per annum, be made from and after *Christmas*
next, in half-yearly payments, for not less than 12
years, upon the whole stock and subscriptions.
They likewise agreed with the court of directors
to omit the 20 *per cent.* subscription in money,
which had been intended for the proprietors of
the original stock and former subscriptions : Af-
ter which, a motion was made, that the last sub-
scribers, both of the redeemable and unredeem-
able funds, should have the alternative, either to
withdraw their orders, or to accept the terms of-
fered them by the court of directors ; but the
question being put thereupon, it was carried in
the negative, three or four voices excepted. Then
A a 2 upon

upon the Earl of *Orkney's* motion, the general court was adjourned.

But tho' the directors of the *South-Sea* carried their point in the general court, yet the negative put in that assembly, upon the motion in behalf of the last subscribers, highly increased the public discontent, and raised such a distrust of the honesty of the managers, that, that very day (*Sept. 8.*) the *South-Sea* stock fell to 640, and the next to 550. Hereupon the directors resolved to cause the transfer-books to be opened the *Monday* following, which having put some damp on the jobbing in the alley, the *South-Sea* rose up that day (the *9th*) to 640.

The same day several of the last subscribers of annuities, went with a public notary to the *South-Sea* house to demand their orders; and upon the refusal of the officers of the company to deliver back the same, the said proprietors made their protest in due form, and resolved to seek their remedy at law. In the mean time, they loudly complained of the unfair manner in which they were drawn in to subscribe their annuities: For it seems, at the top of every page in the subscription-book, there was a short letter of attorney, whereby the subscribers impowered 3 persons, therein named, to accept such terms as the company should think fit to give them for their respective effects, which they pretended to be a meer trick, not one in a hundred of the subscribers having read the said ensnaring preamble.

On the 10th of *Sept.* the directors caused the following advertisement to be published, *viz.* The court of directors of the *South-Sea* company give notice, that the dividends for *Christmas* next and afterwards, voted by the general court of the said company on the 8th instant, which shall become due on the four subscriptions already taken for

for sale of the stock of the said company, will be allowed in part of the payments which shall become due on the said subscriptions ; and that the 10 *per cent.* stock for the last *Midsummer* dividend, on the first, second, and third of the said money subscriptions, will be intitled to the like dividends, and be allowed in farther part of the said payment on those subscriptions. And whereas the transfer-books of the said company were advertised to be shut, from and after *Wednesday* the 31st of *August* last, to *Wednesday* the 21st of *September* instant, in order to the making the subscription of 20 *per cent.* intended for the proprietors ; and the general court having since agreed, that the said subscription be omitted, the said court of directors give notice, that the transfer-books of the said company will be opened on *Monday* the 12th instant, and will continue open as usual. Some of the *South-Sea* managers fondly expected, that this advertisement would have somewhat contributed to the keeping up of the stock ; but the same continuing sinking, they were obliged to have recourse to more effectual methods. Thereupon they made some private advances towards an union with the *East-India* company ; but a secret Committee of the latter, appointed to consider of their offers, not having thought proper to accept them, they were necessitated to court the assistance of the bank of *England*. At the earnest desire, and by the vigilant interposition of Mr. Secretary *Craggs*, several conferences were held between a select number of directors of those two corporations ; which raised so great an expectation, that on the 12th of *Sept.* in the morning, upon a report that they had come to an agreement for circulating 6 millions of the *South-Sea* company's bonds, the *South-Sea* stock rose immediately to 670 ; but in the afternoon, as soon as that report was known to be altogether groundless, the

stock fell again to 580, the next day to 570, and so gradually (on the 19th of *Sept.*) to 400, which increased the murmurings and complaints of the last subscribers, and exposed several of the *South-Sea* directors to public insults.

In order to put a stop to this growing evil, the *South-Sea* directors held a court on *Monday* the 19th, wherein several proposals were made to give satisfaction to the last subscribers. At last, it was resolved, to summon a general assembly of the company, to meet the next day at the usual place; and to desire a fresh conference with the directors of the bank of *England*. The latter consented to it at the desire of the Lord Viscount *Townshend*, president of the council, Mr. Secretary *Craggs*, and Mr. *Robert Walpole*; and this conference, which was held at the general post-office, lasted from about nine o'clock in the evening, 'till near three the next morning. It was strongly reported, that either in this, or a preceding conference, when the *South-Sea* managers had offered their proposals for a contract, they seemed somewhat impatient, and desired the resolution of the directors of the bank immediately: That thereupon Sir *Gilbert Heathcote* told them, 'He could by no means be so hasty; for old men cannot walk so fast as young:' And when it was urged, that the *sword-blade* company should come into the treaty; by no means, replied Sir *Gilbert*, 'For if the *South-Sea* company be wedded to the bank, he ought not to be allowed to keep a mistress.' The event shewed, that the bank acted with their usual prudence, in not admitting the *sword-blade* company into a partnership; but whatever private debates passed in that conference, it was therein agreed, that the *South-Sea* company should give to the bank one million of their capital stock, in lieu of the 3,700,000 *l.* which

which the *South-Sea* company was to repay to the said bank, on or before *Lady-Day*, and *Michaelmas*, 1721; which is five *per cent.* cheaper than the said stock was given to the first subscribers of annuities: In consideration whereof, the bank undertook to circulate a certain number of *South-Sea* bonds, payable at *Christmas* next.

On the 20th of *September* there was a general court of the *South-Sea* company at *Merchant-taylors* hall, where Sir *John Fellowes*, the sub-governor, acquainted them, ‘ That since their last
‘ meeting, their stock having taken an unexpected turn to the disadvantage of the company, the
‘ directors had been consulting what might be
‘ most for the benefit of the corporation; and
‘ considering the great credit the bank of *England*
‘ had justly gained, both at home and
‘ abroad, they had thought it for their interest to
‘ treat with that company for circulating their
‘ bonds, and to grant them stock at a moderate
‘ price, in lieu of the 3,700,000 *l.* which the
‘ *South-Sea* company was to pay them at *Lady-day*,
‘ and *Michaelmas*, 1721. And that from
‘ the result of the meeting they had the night before
‘ with some gentlemen of the bank, and
‘ some persons of the first rank, they doubted
‘ not but such an agreement might soon be perfected.’ Hereupon Mr. *Dawson* moved, ‘ That
‘ the directors be impowered to agree with the
‘ bank of *England*, or any other persons, to circulate
‘ the company’s bonds, or make any other
‘ agreement with the bank which they should
‘ judge proper;’ And he was seconded by Sir *John Eyles*. Hereupon Mr. *Hungerford* moved for amending the latter part of the question, by making express mention of that other agreement:

But Mr. *Pulteney* spoke for the question, and thought it best to use a latitude of expression, and so leave the directors at liberty to act as they should think proper, for the interest of the company. He added, ‘ It was matter of surprize to
‘ see what a panic had seized upon the minds of
‘ people, at a time when the nation was in pro-
‘ found peace, and had nothing to fear, either at
‘ home or from abroad. That, indeed, a ru-
‘ mour had been universally spread, as if the ar-
‘ mament of the *Spaniards* was designed either
‘ against *Port-Mahon*, or *Gibraltar*; but that he
‘ took that report to be altogether false and
‘ groundless, and only intended to scandalize that
‘ Potentate, and to terrify the people here; for
‘ he himself had seen and perused a copy of a
‘ letter, written by the express command of the
‘ King of *Spain*, by his secretary of state, to the
‘ *British* minister at *Madrid*, absolutely denying,
‘ in the strongest terms, any designs of the *Spa-*
‘ *nish* forces against any of his *Britannic* Maje-
‘ sty’s dominions. That he was as much con-
‘ cerned in the company as most people; but
‘ that notwithstanding this general and terrible
‘ alarm, he had not disposed of any part of his
‘ stock; for he would think it a scandal to be
‘ rich, if the nation were ruined. That how-
‘ ever, he hoped the case would be quite other-
‘ wise, and doubted not but the company would
‘ soon be restored to its former flourishing con-
‘ dition, since it was like to be supported by the
‘ bank of *England*; a corporation, who by wise,
‘ though slow and cautious measures, had esta-
‘ blished its credit, not only at home, but even
‘ among foreigners.’ Upon this the question was
unanimously agreed to.

Sir *John Fellowes* then farther acquainted the assembly, ‘ That the proprietors of the several
annuities

‘ annuities lately subscribed, as well as those inte-
‘ rested in the two last money subscriptions, being
‘ very much dissatisfied, fearing thereby to be great
‘ losers, the directors had thought it proper, that
‘ the terms should be lowered, to make them easy.’

Whereupon Sir *Matthew Decker* moved, that power be given to the directors to relieve the annuitants who came in upon the last subscription; as likewise the proprietors of the third and fourth money subscriptions. He was seconded by Mr. *Craggs*, senior, who among other things, said, ‘ That nothing could
‘ be more reasonable and just, than to give satisfac-
‘ tion to people who had trusted their fortunes
‘ and estates with the company; and that it would
‘ be a notorious robbery, to take any advantage of
‘ their confidence in the honour and integrity of the
‘ directors.’

On the 21st there was a general court of the bank of *England*, when the Governor acquainted them, that he presumed none could be ignorant there had of late been divers meetings and conferences between the directors of this company, and the directors of the *South-Sea*, under the influence and interposition of some persons of the highest figure and station: That they had made no agreement yet with the *South-Sea*; but that the directors had thought fit to come to a resolution upon the matter; which resolution was read, and without any body’s speaking to it, was immediately formed into a question to this effect, That for the better support of the public credit, the directors of the bank of *England* be impowered to agree with the directors of the *South-Sea*, to circulate their bonds, to what sum, and upon what terms, and for what time, they shall think proper; and to make what other agreements with the *South-Sea*, they shall judge to be for the interest of this corporation; which question was instantly agreed to with the
most

most perfect unanimity. Then the Governor acquainted them, that he believed books would be ready for a subscription to be taken in the next day, for the purpose aforesaid, and that it would be upon the usual terms, *viz.* 15 *per cent.* deposit 3 *per cent.* premium, and 5 *per cent.* interest. And then the court adjourned.

Accordingly, on *Friday*, the 23d of this month, books were opened at the bank, for taking in a subscription for the support of public credit, to which was prefixed the following preamble.

‘ WHEREAS the Governor and company of
 ‘ the bank of *England*, for the surer establishment
 ‘ and support of public credit, have resolved, at
 ‘ this time, to take in the aid and assistance of such
 ‘ person or persons, who shall voluntarily enter into
 ‘ a contract and agreement concerning the same, in
 ‘ the manner herein after mentioned ; and who shall
 ‘ pay unto the said Governor and Company, at or
 ‘ before the time of his, her, or their subscribing,
 ‘ 15 *per cent.* of the sums respectively subscribed.

‘ Now the said Governor and Company of the
 ‘ bank of *England*, do hereby acknowledge to have
 ‘ received of and from all and every the person and
 ‘ persons, whose names and surnames are hereunto
 ‘ subscribed, the said 15 *l. per cent.* of the sums sub-
 ‘ scribed or written against his, her, or their respec-
 ‘ tive names.

‘ And it is contracted and agreed, by and be-
 ‘ tween the said Governor and Company of the
 ‘ bank of *England*, for themselves and their suc-
 ‘ cessors of the one part ; and the said subscribers
 ‘ for themselves severally (and not jointly) and
 ‘ for their respective executors and administrators,
 ‘ of the other part : That the said 15 *l. per cent.*
 ‘ shall remain in the keeping of the said Governor
 ‘ and

‘ and Company, and their successors, as a caution
‘ and security for making good the payment of the
‘ remainder of the sums to be subscribed, or so much
‘ thereof as shall be called for, in the manner here-
‘ in after mentioned. And the said Governor and
‘ Company shall and will, within ten days after the
‘ making of every such subscription, deliver, or
‘ cause to be delivered to each subscriber, his, or
‘ her executors, administrators, or assigns, demand-
‘ ing the same, a receipt or note for the repayment
‘ of such 15 *l. per cent.* on the 29th day of *Septem-*
‘ *ber*, 1721, with interest for the same, at the rate
‘ of 5 *l. per cent. per annum* : Conditionally, that he,
‘ she, or they, shall have duly complied with his,
‘ her, or their part of this contract.

‘ And the said subscribers, for themselves seve-
‘ rally, and not jointly, nor one for another, and
‘ for their several and respective executors and ad-
‘ ministrators, do contract and agree, to and with
‘ the said Governor and Company of the bank of
‘ *England*, and their successors, that they the said
‘ subscribers respectively, for and in consideration of
‘ the premium or reward which they are to receive
‘ respectively, as is herein after mentioned ; shall and
‘ will pay, or cause to be paid, unto the said Go-
‘ vernor and Company, or their successors, or their
‘ cashier for their use, the remaining 85 *l. per cent.*
‘ of the sum or sums by him, her, or them respec-
‘ tively subscribed, at such times, and in such pro-
‘ portions (not exceeding one tenth part of the whole
‘ sum subscribed at a time) as the court of directors
‘ of the said Governor and Company of the bank
‘ of *England*, for the time being, shall, on or be-
‘ fore the said 29th day of *September*, 1721, require
‘ the same to be paid, by public notice to be from
‘ time to time published on the *Royal-Exchange*, or
‘ in the *London-Gazette* ; which publication shall al-
‘ low ten days, after the publishing thereof, for
‘ making of each respective payment.

‘ And

‘ And the said Governor and Company of the
‘ bank of *England*, for themselves and their suc-
‘ cessors, do contract and agree, to and with the
‘ said subscribers severally and respectively, and
‘ to and with their several and respective executors,
‘ administrators, and assigns, that as any part of
‘ the remaining payments shall be made to the
‘ said Governor and Company, or their successors :
‘ They the said Governor and Company, and
‘ their successors, shall and will within ten days
‘ after every such payment respectively, deliver,
‘ or cause to be delivered, to the respective sub-
‘ scribers demanding the same, his, her, or their
‘ executors, administrators, or assigns, bank bills,
‘ or notes, for the amount of every such pay-
‘ ment ; payable at such time or times as the court
‘ of directors shall think fit, not exceeding one
‘ year, with interest at the rate of 5 *l. per cent.*
‘ *per annum* for the same. And that they, the
‘ said Governor and Company, or their successors,
‘ shall and will pay, or cause to be paid, unto
‘ the said subscribers, their executors, administra-
‘ tors, or assigns, respectively complying with
‘ their contracts herein contained, an allowance
‘ or reward, after the rate of 3 *l.* for every 100 *l.*
‘ of the whole sum by him, her, or them, sub-
‘ scribed and contracted for, within 14 days after
‘ the said 29th day of *September*, 1721, though
‘ the whole subscription may not happen to be
‘ called for ; or in case the whole shall be called
‘ for, within fourteen days after the payment there-
‘ of by each subscriber, his executors, administrators,
‘ or assigns.

‘ Provided always, and be it hereby contracted
‘ and agreed, by and between the said Governor
‘ and Company of the bank of *England*, for them
‘ and their successors, and the said subscribers,
‘ every one of them for him, or herself only, and
‘ not

‘ not the one for the other, that in case any sub-
‘ scriber shall make default in paying to the said
‘ Governor and Company, or their successors, any
‘ sum or sums of money, which he, she, or they,
‘ do respectively hereby undertake to furnish or
‘ pay, or any part thereof, at the time or times
‘ the same is or are to become payable by the te-
‘ nor hereof, contrary to the intent and true mean-
‘ ing of these presents, (bank bills or notes as
‘ afore said being delivered, or ready to be deliver-
‘ ed, at the bank, for the preceding payments,
‘ made by such subscriber or subscribers, in the
‘ manner before - mentioned) that then, and in
‘ such case, the said 15 *l. per cent.* paid down by
‘ such subscriber or subscribers so making default
‘ (which was herein before agreed to be deposited
‘ for securing the remaining payments, and for
‘ which, a conditional receipt or note is to be
‘ given in manner afore said) and the interest there-
‘ of, together with the reward or allowance of 3 *l.*
‘ *per cent.* before - mentioned, and contracted to
‘ be paid to such subscriber or subscribers, so mak-
‘ ing default, shall be forfeited and lost by such sub-
‘ scriber or subscribers, and shall thenceforth remain
‘ to the use of the said Governor and Company, and
‘ their successors for ever.

‘ And lastly, it is declared and agreed, that the
‘ said subscribers shall not be hereby obliged to fur-
‘ nish any monies upon this contract, which shall not
‘ be called for by the said Governor and Company,
‘ or their successors, as afore said, on or before the
‘ said 29th day of *September, 1721.*

In witness whereof, the said Governor and Com-
pany have caused their common seal to be
hereunto affixed; and the said subscribers have
set, or allowed to be set, their respective
hands, the 23d day of *Sept. 1720*, and in
the

the seventh year of the reign of our Sovereign
Lord *George*, King of *Great-Britain*, &c.

We underwritten do subscribe, upon the terms of
this contract, the sums written against our respec-
tive names.

The concourse of people who readily brought
their money to the bank, was at first, so very
great, that it was judged the whole subscription
(which was said to be intended for three millions)
would have been filled that very day: But it un-
luckily fell out, that the fall of the *South-Sea* stock,
and the discredit of that company's bonds, occa-
sioned a run upon the most eminent goldsmiths
and bankers, some of whom having lent out great
sums upon *South-Sea* stock, and other public secu-
rities, were obliged to shut up their shops and
abscond; whereupon statutes of bankrupt were
awarded against them. On the other hand, the
Sword-Blade company, who hitherto had been the
chief cash-keepers of the *South-Sea* company, being
almost drained of their ready money, were also
forced to stop payment; and, on *Saturday*, the
24th of *September*, affixed up at their office written
bills, giving notice, that they would pay any of
their notes in *South-Sea* stock, at 400 *l. per cent.*
or pay part in cash on the *Monday* following, and
give 5 *per cent.* interest on the rest till paid; and
that they would take their own notes in payment
for the monies they had lent. This being looked
upon as a kind of bankruptcy, increased the pub-
lic calamity, and occasioned a great run upon the
bank, who were obliged to pay out money faster
than they received it upon the subscription: But
the festival of *Michaelmas*, on which the bank was
shut of course, gave it some breathing-time. In
the mean time the *South-Sea* stock continued sink-
ing till *Michaelmas* day, when it was about 150,
which

which price it bore on the 2d of *February* last, the day after the house of Commons accepted the proposals of the *South-Sea* company ; whose low credit appeared yet more glaringly, in that their bonds payable on *Michaelmas* 1721, were now at above 25 *per Cent.* discount.

ON the 8th of *December*, 1720, the Parliament of *Great-Britain* being met at *Westminster*, pursuant to their last prorogation, the King came to the house of Lords, and the Commons being sent for up and attending, the Lord *Parker*, Lord Chancellor, by his Majesty's command, read his speech to both houses, as follows.

My Lords and Gentlemen,

SINCE we last parted, the face of our affairs The King's speech.
 abroad is become more favourable : The peace
 in the *South* only wants the form of a congress, and
 that of the *North* is brought much nearer to a conclusion. I shall, at a proper time, order the several
 treaties I have made, to be laid before you ; by
 which you will perceive the success of our endeavours to establish a peace throughout *Europe*, and to
 secure and support the protestant religion : At the
 same time, I can never sufficiently express my concern for the unhappy turn of affairs, which has so
 much affected the public credit at home.

Gentlemen of the house of Commons,

I do most earnestly recommend it to you, that
 you consider of the most effectual and speedy
 methods to restore the national credit, and fix
 it upon a lasting foundation. You will, I doubt
 not, be assisted in so commendable and necessary
 a work, by every man that loves his country, and
 especially by the several great societies of
 this kingdom. I hope you will, on this occasion,

‘ fion, remember, that all your prudence, your
 ‘ temper, and resolution, are necessary to find
 ‘ out and apply the proper remedies to our mis-
 ‘ fortunes ; which will, if you succeed, serve to
 ‘ increase that reputation you have so justly acquir-
 ‘ ed, particularly, if you shall be able, notwithstand-
 ‘ ing these difficulties, to discharge a part of the
 ‘ public debt.

‘ I have ordered the several estimates to be laid
 ‘ before you of the expence of the ensuing year ;
 ‘ and must desire you to dispatch the supplies neces-
 ‘ sary for them.

My Lords and Gentlemen,

‘ I am glad to observe to you, that our trade
 ‘ does appear to have been more extended this
 ‘ year than in the preceding one ; we have the
 ‘ most flourishing navy of any nation whatsoever
 ‘ to protect it : And I hope you will turn your
 ‘ thoughts to the best methods for the security
 ‘ and enlarging of our commerce. You may de-
 ‘ pend on my hearty concurrence to all such provi-
 ‘ sions, as shall appear to you necessary for the good
 ‘ of my people.’

The King being withdrawn, a motion was made
 in the house of Peers for an address of thanks, which
 being unanimously agreed to, the said address was
 immediately drawn up, reported, approved, and
 the next day presented to his Majesty, as follows :

Most gracious Sovereign,

The Lords
 address.

‘ **W**E your Majesty’s most dutiful and loyal
 ‘ subjects, the Lords spiritual and temporal
 ‘ in Parliament assembled, beg leave to return to
 ‘ your Majesty the thanks of this house, for your
 ‘ most gracious speech from the throne, and to
 ‘ con-

‘ congratulate your Majesty upon the near prospect
 ‘ of a general peace being established throughout
 ‘ *Europe*: And we do acknowledge, with the greatest
 ‘ gratitude, your Majesty’s care and endeavours for
 ‘ the security and support of the protestant religion;
 ‘ towards the attaining which great ends, your Ma-
 ‘ jesty may depend upon our utmost support and as-
 ‘ sistance.

‘ We cannot sufficiently express to your Ma-
 ‘ jesty how much we are concerned at the present
 ‘ unhappy state of public credit; and we do, up-
 ‘ on this occasion, assure your Majesty of our
 ‘ zealous and ready concurrence, in all such mea-
 ‘ sures as shall be most effectual and speedy to re-
 ‘ store it, and fix it upon a lasting foundation;
 ‘ and also in all other measures that may tend to
 ‘ the security and enlarging the commerce of these
 ‘ kingdoms.’

The King’s answer was to this effect:

My Lords,

*I thank you for this dutiful and loyal address: And
 I persuade my self, that your zeal for the good of
 your country, your temper, wisdom, and unanimity,
 will greatly contribute towards extricating us out of our
 present difficulties.*

Dec. 8. The Commons being returned to their House, and their Speaker having reported to them the King’s Speech, Mr. *Pulteney* made the following motion, *viz.*

‘ That an humble address be presented to his Ma-
 ‘ jesty, to return him the thanks of this House for
 ‘ his most gracious Speech from the throne: to ex-
 ‘ press the satisfaction of his faithful Commons at
 ‘ the near prospect there is of peace being establish’d
 ‘ throughout *Europe*, by the success of his Majesty’s

‘ endeavours ; to acknowledge his Majesty’s great
 ‘ goodness in his tender concern for the misfortunes
 ‘ of his people, occasioned by the unhappy turn of
 ‘ affairs, that hath so much affected the public cre-
 ‘ dit of this kingdom ; to assure his Majesty, that
 ‘ this House will, at this critical conjuncture, where-
 ‘ in his Majesty’s government, and the interest of his
 ‘ people are so highly concerned, proceed with all
 ‘ possible care, prudence, and temper, to enquire
 ‘ into the causes of these misfortunes, and apply the
 ‘ proper remedies for restoring and fixing public
 ‘ credit upon such solid and lasting foundations, as
 ‘ may effectually give ease and quiet to the minds
 ‘ of his Majesty’s subjects ; and that this House will,
 ‘ with readiness and chearfulness, grant the sup-
 ‘ plies necessary for the service of the ensuing year,
 ‘ and consider in what manner the trade and com-
 ‘ merce of the nation may be best secured and ex-
 ‘ tended.’

Mr. *Pelham* seconded this motion, and was back’d
 by some other courtiers ; but Mr. *Shippen* offered a
 clause to be added after the words, for *restoring and*
fixing public credit, viz.

*As far as it is consistent with the honour of Parlia-
 ments, the interest of the nation, and the principles of*
justice.

Mr. *Shippen* gave his reasons for this addition,
 urging in particular, ‘ That in order effectually to
 ‘ remedy the present misfortunes, it was absolutely
 ‘ necessary to maintain the honour and faith of Par-
 ‘ liamentary engagements, and to shew the highest
 ‘ resentment against those, who abusing the trust
 ‘ reposed in them, had given so fatal a wound to
 ‘ public credit, and enriched themselves by the
 ‘ plunder of the nation : That in his opinion, the
 ‘ managers of the *South-Sea* project were not the
 ‘ most criminal, since there were those above them,
 ‘ whose duty it was to overlook and direct their pro-
 ‘ ceedings, and who ought to have given a season-
 ‘ able

‘ able check to that extremity of folly, by which,
‘ *South-Sea* stock and the subscriptions were advanc’d
‘ to an extravagant rate: Adding, That had those
‘ at the helm interpos’d in the affair of the *South-*
‘ *Sea*, as they did in the case of the two assurances,
‘ and other projects, they would have prevented that
‘ dismal calamity which has since befallen the na-
‘ tion.’ Mr. *Skippen* was seconded by Mr. *Bromley*,
and Sir *William Wyndham*, who, among other things,
said, ‘ That it would be a disgrace to a *British* House
‘ of Commons, to shew, on this occasion, less vi-
‘ gour and spirit than the Parliament of *Paris*, then
‘ sitting at *Pontoise*: That that Parliament was justly
‘ look’d upon as a shadow of an *English* Parliament;
‘ and yet that very Parliament had by their firmness
‘ and resolution, carried their point so far, as to get
‘ that person removed from the administration,
‘ whom they looked upon as the author of the pre-
‘ sent misfortunes of *France*.’ The Lord *Molesworth*,
who spoke with great vehemence on the same side,
run over the King’s speech from the throne, and said,
in particular, ‘ He was glad they were told, that the
‘ peace in the *South* only wanted the form of a con-
‘ gress, which gave him hopes, that the difficulties
‘ started by *Spain*, in relation to *Gibraltar*, were at
‘ last surmounted, and that we were like to preserve
‘ that important conquest of the preceding war, to-
‘ gether with *Port-Mahon*, which would make us
‘ some amends for the great expence of blood and
‘ treasure we had lately been at, to conquer *Sicily* for
‘ the house of *Austria*.’ When his Lordship came
to speak of the present calamity, he said, ‘ That be-
‘ fore they considered of proper remedies, they ought
‘ to enquire into the cause and nature of the distem-
‘ per: That it is with the body politic, as with the
‘ body natural; and therefore they ought to imitate
‘ skilful surgeons, who, in order to cure a wound,
‘ begin with probing it, and when they find it neces-
‘ sary, make incisions and scarifications to get the

‘ venomous core out of it, before they apply healing
 ‘ plaisters ; and that they who follow a contrary
 ‘ method, are but meer empyrics, who by using
 ‘ palliatives, make the fore rankle and fester, and
 ‘ endanger the life of the patient. He own’d it had
 ‘ been by some suggested, that there was no law to
 ‘ punish the directors of the *South-Sea* company,
 ‘ who were justly looked upon as the immediate
 ‘ authors of the present misfortunes : But that in his
 ‘ opinion, they ought on this occasion, to follow
 ‘ the example of the ancient *Romans*, who having
 ‘ no law against parricides, because their legisla-
 ‘ tors supposed no son could be so unnaturally wick-
 ‘ ed, as to embrue his hands in his father’s blood,
 ‘ made one to punish so heinous a crime, as soon as it
 ‘ happened to be committed ; and adjudg’d the guilt-
 ‘ ty wretch to be thrown alive, sew’d up in a sack,
 ‘ into the *Tyber*. Concluding, That as he looked up-
 ‘ on the contrivers and executors of the villainous
 ‘ *South-Sea* scheme, as the parricides of their country,
 ‘ he should be satisfied to see them undergo the same
 ‘ punishment.’

‘ Sir *Joseph Jekyll* spoke on the same side, and, in
 ‘ particular, said, ‘ That as he doubted not but a-
 ‘ mong the *South-Sea* directors, some might be in-
 ‘ nocent, and others criminal ; so he was of opinion,
 ‘ there were those, who were not directors, no less,
 ‘ if not more criminal, than the directors themselves ;
 ‘ and who therefore deserved an equal, if not a se-
 ‘ verer punishment : Adding, that upon extraordi-
 ‘ nary emergencies, where the laws are deficient, the
 ‘ legislative authority may, and ought to exert itself ;
 ‘ and he hop’d, a *British* Parliament would never want
 ‘ a vindictive power to punish national crimes.’ Mr.
 ‘ *Grey Neville*, Mr. *Pitt*, and some other gentlemen,
 ‘ spoke also for the clause offer’d by Mr. *Shippen* : But
 ‘ on the other hand, it was represented by Mr. Secre-
 ‘ tary *Craggs*, Mr. Solicitor-general, and Mr. *Robert*
 ‘ *Walpole*, ‘ That such a restriction did but ill suit
 ‘ with

‘ with an address of thanks ; which, in their opini-
‘ on, ought to run in the usual form, and answer, in
‘ general terms, the several heads of the speech from
‘ the throne : That as to the main drift of that
‘ clause, they thought it inconsistent with the rules of
‘ prudence, to begin this session with irritating en-
‘ quiries : That if the city of *London* were on fire,
‘ they did not doubt, but all wise men would be for
‘ extinguishing the flames, and preventing the spread-
‘ ing of the conflagration, before they enquired into
‘ the incendiaries : That in like manner, public cre-
‘ dit having received a most dangerous wound, and
‘ being still in a bleeding condition, they ought to
‘ apply a speedy remedy to it ; and that afterwards
‘ they might enquire into the cause of the present
‘ calamity.’ Mr. *Walpole*, in particular, declared,
‘ That for his own part, he had never approved
‘ the *South-Sea* scheme, and was sensible it had done
‘ a great deal of mischief : But since it could not be
‘ undone, he thought it the duty of all good men to
‘ give their helping hand towards retrieving it : And
‘ that with this view, he had already bestowed some
‘ thoughts on a proposal to restore public credit,
‘ which, in a proper time, he would submit to the
‘ wisdom of that House.’ The majority of the as-
sembly acquiesced in these last reasons ; so that the
question being put for inserting the clause before-
mentioned, it passed in the negative, by 261 voices
against 103. However, the next day, upon the re-
port of the address of thanks, a motion being made
by Mr. *Milner*, for inserting the words, *and for punish-*
ing the authors of them, (viz. our present misfortunes)
and seconded by Sir *Joseph Jekyll*, the same was car-
ried without dividing. On *Saturday* the 10th of
December, the Commons with their Speaker, waited
on his Majesty with the said address, as follows :

Most gracious Sovereign,

The Com-
mons address.

‘ WE your Majesty’s most dutiful and loyal sub-
‘ jects, the Commons of *Great-Britain*, in
‘ Parliament assembled, beg leave to return your
‘ Majesty our most dutiful and hearty thanks for your
‘ most gracious speech from the throne.

‘ We can never sufficiently express our gratitude
‘ to your Majesty, for your constant care of the true
‘ interest of your subjects ; nor the satisfaction of
‘ your faithful Commons, in seeing that the just in-
‘ fluence of your Majesty’s councils abroad, has pro-
‘ cured so near a prospect of a general peace through-
‘ out *Europe* ; which is a fresh instance to them, that
‘ your Majesty places your greatness only in the prof-
‘ perity and happiness of your people.

‘ If any thing could more effectually endear your
‘ Majesty to us than the mildness of your govern-
‘ ment, it would be that tender and affectionate con-
‘ cern you express for the present misfortunes of
‘ your people, occasioned by the unhappy turn of
‘ affairs, that hath so much affected the public cre-
‘ dit of this kingdom.

‘ But your faithful Commons are met together
‘ with minds fully disposed to take the most just and
‘ effectual methods, and to do every thing that be-
‘ comes an affectionate Parliament (at this critical
‘ conjuncture, wherein your Majesty’s government,
‘ and the interest of your people are so highly con-
‘ cerned) to restore and fix the credit of this nation
‘ upon such solid and lasting foundations, as may
‘ effectually give ease and quiet to the minds
‘ of your Majesty’s subjects : And we flatter our-
‘ selves, that our undertaking will be the more easy,
‘ since we are determined to proceed with all pos-
‘ sible prudence, temper, and resolution, to enquire
‘ into the causes of our present misfortunes ; and
‘ with the maturest deliberation, apply ourselves to
‘ find

‘ find out the most proper measures for redressing
 ‘ them, and for punishing the authors of them.

‘ The improvement of our trade is of so public
 ‘ a concern, and so necessary for the support and
 ‘ power of this kingdom, that we will employ our
 ‘ utmost endeavours to consider in what manner the
 ‘ commerce of the nation may be best secured and
 ‘ extended.

‘ And we beg leave to assure your Majesty, that
 ‘ we will, with all chearfulness and unanimity, grant
 ‘ the supplies which shall be necessary for the service
 ‘ of the ensuing year, and the support of your go-
 ‘ vernment, upon which, the happiness of the nati-
 ‘ on, the liberty of your subjects, and the security
 ‘ of our religion so entirely depend.’

To this address his Majesty returned the following
 answer.

Gentlemen,

I Return you my hearty thanks for this address ; and The King's answer.
 as I depend on your applying a speedy remedy to the
 present distress, I am persuaded you will take the most
 prudent measures to make it effectual.

The 12th of December, the Commons in a grand A debate in the house of Commons about the South-Sea scheme.
 Committee, considered of the motion made the Sa-
 turday before, to grant a supply to his Majesty, which
 was unanimously agreed to. After this Grey Ne-
 ville, Esq; moved that the directors of the South-
 Sea company should forthwith lay before this house
 an account of their proceedings ; and he was second-
 ed by Mr. Pitt, and backed by the Lord Molesworth.
 Some of the courtiers appeared surprized at this un-
 expected motion ; and thereupon, Mr. Secretary
 Craggs endeavoured to shew, ‘ That it was prepo-
 ‘ sterous ; and that the house having already ap-
 ‘ pointed the Thursday following to resolve into a
 ‘ grand Committee, to consider of the present state

‘ of the public credit of this kingdom, the same
‘ would naturally bring on the enquiry into the con-
‘ duct of the *South-Sea* directors.’ Mr. *Craggs* was
seconded by the Lord *Hinchinbroke*, and by Mr.
Horatio Walpole, who owned indeed, ‘ That the
‘ *South-Sea* scheme was weak in its projection, vil-
‘ laneous in its execution, and calamitous in its end ;
‘ but that, in his opinion, they ought to begin with
‘ applying a remedy to the evil.’ Mr. *Robert Wal-*
pole, his brother, added, ‘ That, as he had alrea-
‘ dy declared, he had spent some time upon a pro-
‘ posal for that purpose ; but he was apprehensive,
‘ that if they went on in a warm passionate way, the
‘ said scheme might be rendered altogether imprac-
‘ ticable ; and therefore he desired, that the house
‘ would proceed regularly and calmly, lest by run-
‘ ning precipitately into odious enquiries, they should
‘ exasperate the distemper to such a degree, as to
‘ render all remedies ineffectual.’ Sir *Joseph Jekyll*,
on the other hand, set forth, ‘ The necessity of exa-
‘ mining, without the least delay, into the conduct
‘ of the *South-Sea* company, to see whether they had
‘ made good their engagements, and strictly followed
‘ the rules prescribed to them, by the act passed last
‘ session of Parliament in their favour ; urging, That
‘ this was the most natural way of proceeding in an
‘ affair of so great importance : That on the contra-
‘ ry, it seemed absurd to attempt the cure of a dis-
‘ temper before they were acquainted with it : But
‘ that as soon as it was thoroughly known, he hoped
‘ that wise assembly should not want schemes to ap-
‘ ply proper remedies to it.’ This speech made so
deep an impression, that some members, who offer-
ed to speak on the contrary side, were not much
listened to ; and on the other hand, *Wilfred Lawson*,
Esq; having supported Mr. *Nevill*’s motion, the cour-
tiers thought fit no longer to oppose it ; so that
without coming to a division, the house made the
following orders, viz.

1. That

1. That the directors of the *South-Sea* company do forthwith lay before this house, an account of all their proceedings whatsoever, relating to an act passed the last session of Parliament, intituled, *An act for enabling the South-Sea company to increase their present capital stock and fund, by redeeming such public debts and incumbrances, as are therein mentioned, and for raising money to be applied for lessening several of the public debts and incumbrances, and for calling in the present Exchequer bills remaining uncanceled, and for making forth new bills in lieu thereof, to be circulated and exchanged upon demand at or near the Exchequer.*

2. That the managers and directors appointed by the Lords Commissioners of the treasury, by virtue of the said act, do forthwith lay before this house, all such matters and things as they have done and performed, or ordered to be done and performed, in relation to the said act.

3. That the said managers and directors do forthwith lay before this house, an account of all orders they have received from time to time, from the Lords Commissioners of the treasury.

4. That the directors of the *South-Sea* company do forthwith lay before this house, an account of what money and *Exchequer* bills have been received by or for the use of the said company, since the twenty-fifth day of *December*, 1719, and the respective uses and purposes to which the same have been applied.

5. That the said directors do forthwith lay before this house, an abstract of what public debts and incumbrances have been subscribed to, or discharged by the said company, pursuant to any act or acts of Parliament in that behalf, since the 25th day of *December*

ember 1719, and in what manner such subscriptions were made.

6. That the said directors do forthwith lay before this house, an account of what sum or sums of money have been taken up or borrowed on account of the said company, or which they stand engaged for upon bills, bonds, or other contracts under their common seal or otherwise, since the 25th day of *December* 1719.

Dec. 13. Mr. *Farrer* reported to the house the resolution for granting a supply to his Majesty, which having been agreed to, *nemine contradicente*, the Commons resolved to address his Majesty for the several accounts and estimates, relating to the deficiency on several funds, the ordinary of the navy, the guards, garrisons, and land-forces, the office of ordnance, the half-pay for the year 1721, the extraordinary repair of the navy, the ships in sea-pay, employed in the year 1720, and the surplus of the aggregate or *South-Sea* fund. This address was readily complied with ; and accordingly, the next day, Mr. *Treby*, Secretary of war, laid before the house the accounts and estimates relating to his office : After this, Mr. *Pitt* complained of the dilatoriness of the *South-Sea* directors in complying with the orders made two days before by the house, and he was seconded by Sir *Joseph Jekyll* : But Sir *Theodore Janssen*, one of the directors, and a member of the house, having assured them, that the next day part of the papers called for would be laid before them, the house acquiesced.

Dec. 15. The Sub-governor and Deputy-governor of the *South-Sea* company presented to the house several papers, with a schedule of them, and acquainted the house, that they were directed by the court of directors of the *South-Sea* company, and the

the managers and directors appointed by the Lords Commissioners of the treasury, by virtue of the *Act for enabling the South-Sea company to increase their present capital stock*, &c. to acquaint this house, that they were using all possible diligence to prepare an account of all their proceedings whatsoever, relating to the said act, and that the same, as soon as finished, would be laid before the house. Then the said schedule was read as follows, *viz.*

1. An account of all such matters and things as the managers and directors, appointed by the Lords Commissioners of the treasury, to take subscriptions for enlarging the capital stock of the *South-Sea* company, have done and performed, or ordered to be done and performed, in relation to the act in that behalf.

2. An account of all such orders which the managers and directors, appointed by the Lords Commissioners of the treasury, to take subscriptions for enlarging the capital stock of the *South-Sea* company, have received from their Lordships in relation to the act in that behalf.

3. An abstract of what public debts and incumbrances have been subscribed or discharged by the *South-Sea* company, pursuant to an act of Parliament in that behalf, since the 25th of *December* 1719, and in what manner such subscriptions were made.

4. An account of what monies and *Exchequer* bills have been received by or for the use of the *South-Sea* company, since the 25th of *December* 1719, and the respective uses and purposes to which the same have been applied.

5. An account of what sum or sums of money have been taken up or borrowed on account of the
South-

South-Sea company, or which they stand engaged for upon bills, bonds, or other contracts, under their common seal, or otherwise, since the 25th day of *December* 1719.

Hereupon it was ordered, that the papers mentioned in the said schedule be referred to the Committee of the whole house, who were to take into consideration the present state of the public credit of this kingdom. Then the house resolved itself into the said Committee; and after the reading of the said papers, which lasted till about four o'clock in the afternoon, Mr. *Sloper*, Mr. *Plummer*, Mr. *Milner*, Sir *Richard Steele*, and Mr. *Lawson*, made several exceptions to the conduct of the *South-Sea* directors, and, in particular, to their lending out vast sums of money belonging to the company, without being duly authorized for that purpose: But as the Committee could not regularly proceed in that matter without exact accounts of these loans, the farther consideration of the present state of the public credit was adjourned to *Monday* the 19th; and, in the mean time, it was ordered, that the directors of the *South-Sea* company should lay before the house,

1. A particular account of the nine millions three hundred and thirty thousand six hundred sixty eight pounds, eleven shillings, lent out by the said directors upon the stock of the said company, to whom, at what times, and upon what securities the same was lent; and how much of the said sum has been repaid, by whom, and at what times.

2. A particular account of the two millions two hundred and twenty eight thousand eighty nine pounds, lent out by the said directors upon subscriptions taken in by the said company, to whom, at what times, and upon what security the same was lent;

lent ; and how much of the said sum has been repaid, by whom, and at what times.

3. An account of the authorities and powers they had from the general court of the said company, to lend out any money on the said stock or subscriptions.

It was also ordered, that the directors of the *South-Sea* company do forthwith lay before this house,

1. The lists of the money-subscriptions that were delivered to, or made by them, upon the second, third, and fourth subscriptions, and the sums that have been paid thereupon.

2. A particular account of the three hundred thirty one thousand five hundred pounds stock, bought by the said company for two millions thirty three thousand forty three pounds, the days when purchased, the respective parcels and prices, and the persons by whom it was bought, and by whom, and to whom transferred.

3. A particular account of the five hundred seventy four thousand five hundred pounds stock, sold by the said company for one million two hundred fifty nine thousand three hundred twenty five pounds, the days when sold, the respective parcels and prices, and the persons by whom it was sold, and by whom and to whom transferred.

Then, in a grand Committee on the supply, the Commons came to several resolutions, the report of which was referred to the next sitting : But before the house was adjourned, it was ordered, that the directors of the *South-Sea* company do forthwith lay before this house, an account of the uses to which
the

the money by them received for last *Christmas* dividend was applied, so far as the same, or any part thereof, was satisfied in bonds of the said company.

December 19. Mr. *Farrer* reported to the house the resolutions of the grand Committee on the supply, *viz.*

Resolutions
of the Com-
mons.

1. That 10000 men be allowed for the service of the year 1721, beginning from the 1st day of *January* 1721.

2. That 4 *l.* per man per month be allowed for maintaining the said 10000 men for 13 months, including the ordnance for sea-service.

3. That 219,049 *l.* 14 *s.* be granted for the ordinary of the navy for the year 1721, including half-pay to sea-officers.

4. That 50,200 *l.* be granted for extra-repairs of the navy for the year 1721.

5. That the number of effective men to be provided for guards and garrisons in *Great-Britain*, and for *Jersey* and *Guernsey*, for the year 1721 (including 1859 invalids) be 14294 men, commission and non-commission officers included.

6. That 567,070 *l.* 3 *s.* 4 *d.* be granted for the charge of the said 14294 effective men.

7. That 150,743 *l.* 13 *s.* 4 *d.* $\frac{1}{2}$, be granted for the land-forces and garrisons in the plantations, *Minorca* and *Gibraltar*, and for provisions for the garrisons of *Annapolis-Royal*, *Placentia*, and *Gibraltar*, for the year 1721.

8. That

8. That 94500 *l.* be granted upon account to reduced officers of the land-forces and marines.

The first four of these resolutions being severally read the second time, were agreed to by the house; but the fifth being also read a second time, Mr. *Shippen* represented, ‘ That a general peace being
‘ so near a conclusion, part of the land-forces, now
‘ on foot, might well be spared, and the saving sum
‘ applied towards repairing the public calamity; and
‘ therefore he moved, that the said 5th resolution be
‘ re-committed.’ He was backed by Mr. *Bromley*, Sir *William Wyndham*, and Mr. *Hungerford*; but was opposed by Mr. *Robert Walpole*, and his brother, Mr. *Smith*, and some other Gentlemen, who endeavoured to shew, ‘ That the number of our forces
‘ was so moderate, that it could hardly be lessened,
‘ even although a general peace were concluded,
‘ without exposing the nation either to foreign insults, or to domestic factions; and therefore it
‘ were highly imprudent to make any reduction in
‘ the army before the conclusion of the peace: That
‘ on the other hand, the sum that might be saved
‘ by disbanding 3 or 4000 men, was very considerable, and ought not to come in competition
‘ with the advantage of being in a posture of defence: Since nothing contributes more to the
‘ public credit of a free nation, than the being in
‘ a condition not to fear any thing, either at home
‘ or abroad.’ These reasons had so much weight, that the question being put upon Mr. *Shippen*’s motion, it passed in the negative, without dividing; and then the other three resolutions being read a second time, were agreed to by the house.

Debates on
the resolutions.

Then the Commons went into a grand Committee, to take into farther consideration the present state of the public credit of the kingdom;
and

and thereupon Sir *Joseph Jekyll* moved, that a select Committee be appointed to enquire into all the proceedings relating to the execution of the *South-Sea* act, and he was seconded by *Wilfrid Lawson*, Esq; But Mr. *Robert Walpole* having represented that the proceedings in that manner would take up a great deal of time, and that the public credit being in a bleeding condition, they ought to apply a speedy remedy to it; that motion was not insisted on. After this Mr. *Sloper* made a speech wherein he shewed, ‘ That the present calamity was mainly
‘ owing to the vile arts of *stock-jobbers*, whereby
‘ the public funds were wound up far above their
‘ real value.’ Which being readily assented to, the Committee came to this resolution, *viz.* That nothing can tend more to the establishment of public credit, than preventing the infamous practice of *stock-jobbing*. After this, Mr. *Robert Walpole* acquainted the Committee, ‘ That (as he had hinted some days
‘ before) he had spent some time upon a scheme for
‘ restoring public credit; but that the execution
‘ of it depending upon a position, which had been
‘ laid as a fundamental, he thought it proper, before he opened the said scheme, to be informed,
‘ whether he might rely on that main foundation,
‘ *viz. Whether the subscriptions of public debts and*
‘ *incumbrances, money-subscriptions, and other con-*
‘ *tracts made with the South-Sea company, should*
‘ *remain in the present state?*’ This question being stated, occasioned a warm debate, particularly in relation to the validity of the second subscription of the redeemable and irredeemable public debts. Sir *Joseph Jekyll*, Sergeant *Pengelly*, and some others, urged, in favour of the subscribers,
‘ That most of them having been drawn in to set
‘ their names to a sort of a letter of attorney,
‘ which was never read to them; and not having
‘ had afterwards the option of the terms offered
‘ them,

‘ them, as the former subscribers had, the said
 ‘ subscription was surreptitious, and therefore not
 ‘ binding.’ But they were answered by Mr. *Robert Walpole*, Mr. Secretary *Craggs*, Mr. Attorney, and Mr. Solicitor-General, and some others,
 ‘ That the letter of attorney, by virtue of which
 ‘ the contract of the second subscription was made,
 ‘ having been placed at the top of every page of
 ‘ the book, all the subscribers might have read
 ‘ it, as many of them had done, and so might
 ‘ have chosen whether they would have set their
 ‘ names to it or not; but that, it seems, some
 ‘ persons thought the subscription valid while they
 ‘ got, and not binding when they were like to
 ‘ lose by it: However, if any thing were defective in the said subscription, they thought it advisable to leave it to the determination, either
 ‘ of a general court of the *South-Sea*, or of the
 ‘ common law.’ These reasons being relished by most of the landed Gentlemen, after the debate had lasted till near eight in the evening, it was at last resolved by 259 voices against 117, that all the subscriptions of public debts and incumbrances, money - subscriptions, and other contracts made with the *South-Sea* company, by virtue of an act made the last session of Parliament, remain in the present state, unless altered for the ease and relief of the proprietors by a general court of the *South-Sea* company, or set aside by due course of law.

December 20. A petition of several proprietors in fundry redeemable debts, and lottery tickets, was presented to the house and read, praying, that their case might be taken into serious consideration, and that they might be defended in their just rights against the illegal proceedings of the *South Sea* company, by forcing them to take stock

for their debts, at a much higher rate than it would sell for ; and admit them to be heard, either by themselves or counsel, or grant them such other relief as should be thought fit : But this petition was ordered to lie on the table. Then Mr. *Farrer* reported the two resolutions of the grand Committee on public credit ; the first of which, with some amendments, was agreed to by the house, as follows, *viz.* That it will very much contribute towards establishing of public credit, to prevent the infamous practice of *stock-jobbing* ; and a bill was ordered to be brought in thereupon. Then a motion being made, that the house do agree with the Committee in the second resolution, there arose a very warm debate, that lasted from three o'clock till half an hour past six in the evening. Mr. *Walpole*, who spoke for the motion, ‘ Set forth the views with which the *South-Sea* act was made, to wit, to consult the landed and trading interest of the nation, by lessening its incumbrances and public debts, and putting them in a method of being paid off in a few years ; which could not have been done, unless a way had been found to make the annuities for long terms redeemable, which had been happily effected by the *South-Sea* scheme, without a breach of parliamentary faith ; and if they should now unravel what had been done, they should not only ruin the *South-Sea* company, but instead of alleviating, aggravate the present misfortunes.’ In answer to this, Sir *Joseph Jekyll* urged, ‘ That in order to remedy the present distemper, and restore public credit, they ought, in the first place, to resolve and assert public faith, equity, and justice, which the *South-Sea* managers had notoriously violated, with respect to the first and second subscribers of annuities, and other public debts : For the former had not
the

‘ the stock, to which they were intitled, delivered to
 ‘ them, till six months after they had subscribed
 ‘ their effects, and when the stock was fallen above
 ‘ half in its price ; and the latter had not the op-
 ‘ tion either to accept or reject the terms that were
 ‘ offered them.’ Mr. *Walpole* having, among other
 things, replied, ‘ That if any injustice was done to
 ‘ the subscribers, they were, by the resolution in
 ‘ question, left at liberty to seek their relief by law ;’
 Mr. *Lechmere*, Chancellor of the dutchy, answered
 him, and insisted, ‘ That if the *South-Sea* company,
 ‘ whom the Parliament had appointed trustees for
 ‘ the public debts, had not duly executed that trust,
 ‘ in relation to the annuitants, the latter could seek
 ‘ for relief no where but in Parliament, and that it
 ‘ was a duty incumbent on the legislature to relieve
 ‘ them.’ Serjeant *Pengelly*, Mr. *Hutcheson*, and
 ‘ some other gentlemen, spoke on the same side ;
 but were answered by Mr. Secretary *Craggs*, Sir *Wil-*
liam Thompson, and Mr. *Hungerford*. And after some
 other speeches, the country party moved for ad-
 journing the debate ; but the question put there-
 upon, being carried in the negative, by 232 voices
 against 88, the house agreed, without dividing, to
 the second resolution of the day before above-men-
 tioned.

Dec. 21. Mr. *Lowndes* presented to the Commons
 several accounts and estimates ; after which, the
 house resolved itself into a grand Committee on the
 supply, and came to several resolutions thereupon.
 Then the members in *Westminster-Hall*, court of re-
 quests, and places adjacent, having been summoned
 to attend, the house resolved itself into a grand Com-
 mittee, and Mr. *Robert Walpole* laid before them a
 new scheme to restore public credit, which was in
 substance, to ingraft nine millions of *South-Sea* stock
 into the bank of *England*, and the like sum into the

East-India company, upon the conditions therein mentioned, and which shall be specified hereafter. Mr. *Hutcheson*, and other members, made some exceptions to that scheme ; but none offering a better remedy for the present misfortunes, Mr. *Farrer*, the chairman, was directed to move the house, and it was accordingly ordered, that the said Committee have power to receive proposals from the bank of *England*, the *South-Sea* company, and the *East-India* company, towards restoring public credit.

Dec. 22. Mr. *Farrer* reported the resolutions on the supply, which were agreed to, viz.

1. That 15,278 *l.* 8 *s.* 9 *d.* be granted for out-pensioners of *Chelsea* hospital, for the year 1721.

2. The sum of 4,581 *l.* 19 *s.* 3 *d.* for extraordinary expences of the land-forces for the year 1720.

3. The sum of 153,805 *l.* 14 *s.* 2 *d.* principal money remaining unsatisfied for the duties on malt, for the year 1719.

4. The sum of 82,793 *l.* 19 *s.* 10 *d.* for the deficiency of the general fund of 724,849 *l.* 6 *s.* 3 *d.* for the year ended at *Michaelmas*, 1720.

5. The sum of 67,878 *l.* 3 *s.* 9 *d.* for the ordnance for land-service for the year 1721.

6. The sum of 25,290 *l.* 10 *s.* 2 *d.* for extraordinary expence of the ordnance for land-service for the year 1720.

Dec. 23. A petition of the city of *Worcester* was presented to the Commons, and read, complaining of

of the great decay of all sorts of trade in the said city, by the pernicious and detestable practice of stock-jobbing, and praying the consideration thereof: Which petition was ordered to lie on the table, until the bill for preventing the infamous practice of stock-jobbing should be brought in. Then the Commons in a grand Committee, considered of ways and means to raise the supply, and resolved, *1st*, To grant a land-tax of 3 s. in the pound, for the year 1721. *2dly*, To continue the malt-tax from *June* 25, 1721, to *June* 24, 1722. After this, a person from the *South-Sea* company having presented to the house an account of all the proceedings whatsoever of the court of directors, and general court of the *South-Sea* company, relating to the act of the last session of Parliament; an order was made, that the house be called over on *Monday* the 9th of *January* next; and then the Commons adjourned 'till *Thursday* the 29th of *December*, by reason of the *Christmas* holidays.

Dec. 29. The Commons met again, and the sub-governor and deputy-governor of the *South-Sea* company attended, and at the bar presented to the house several books, containing an account of several matters ordered to be laid before the house by the directors of the said company, with a schedule of them, and a return of the said directors relating thereunto; and they acquainted the house, that the rest of the accounts ordered to be laid before the house, were for that purpose preparing with the utmost expedition; and then they withdrew.

The said schedule and return were read, as follow:

The schedule. *In obedience to an order of the honourable house of Commons, of the 15th of December instant.*

A particular account of the nine millions three hundred thirty thousand six hundred sixty eight pounds eleven shillings, lent out upon the stock of the *South-Sea* company, to whom, at what times, and upon what securities the same was lent; and how much of the said sum has been repaid, by whom, and at what times.

Also an account of the two millions two hundred twenty eight thousand eighty nine pounds, lent out upon subscriptions taken in by the said company, to whom, at what times, and upon what security the same was lent; and how much of the said sum has been repaid, by whom, and at what times.

Both which accounts are contained in book, No. 1.

In obedience to an order of the honourable house of Commons of the 17th of Decemb. instant.

The lists of the money-subscriptions that were delivered to, or made by them, upon the second or third subscriptions, and the sums that have been paid thereupon; which lists are alphabetical, and contained in five books, *viz.*

One book containing the lists of the second money-subscription, No. 2.

Four other books containing the lists of the third money-subscription.

The return. In obedience to the said order of the 17th of *Decemb.* instant, the directors of the *South-Sea* company do lay before this house the lists of the money-subscriptions that were delivered to, or made by them upon the second or third subscriptions, and the sums that have been paid thereupon; which lists are alphabetical, and contained in five books, *viz.*

One book, containing the lists of the second money-subscription.

One other book, containing the lists of the third money-subscription, of the letters A, B, C, D.

One other book, containing the lists of the same subscription, of the letters E, F, G, H, I, K.

One other book, containing the lists of the same subscription, of the letters, L, M, N, O, P, Q.

And one other book, containing the lists of the same subscription, of the letters, R, S, T, U, W, X, Y, Z.

Then Mr. *Farrer* reported the two resolutions on ways and means (before - mentioned) which were agreed to, and bills were ordered to be brought in thereupon. This done, Mr. *Shippen* made a long speech, wherein he represented, ‘ That besides the papers that had already been
‘ laid before them, it was necessary to have others,
‘ in order to discover the frauds and deceitful
‘ management of the *South-Sea* directors, and
‘ their accomplices : That in his opinion, the
‘ most villainous contrivance, whereby they en-
‘ snared unwary people, was their taking in mo-
‘ ney-subscriptions at 1000 *l. per Cent.* and their
‘ declaring a dividend of 30 *l. per Cent.* at *Christ-*
‘ *mas*, and of not less than 50 *l. per Cent. per*
‘ *Annum*, for 12 years after ; which had imposed
‘ upon the understanding of all such as depended
‘ upon the wisdom and integrity of the directors,
‘ and occasioned the ruin of many thousands of
‘ families.’ He therefore moved, ‘ That the di-
‘ rectors of the *South-Sea* company do lay before
‘ this house the calculations or inducements, on
‘ which they took in the third and fourth mo-
‘ ney-subscriptions at 1000 *l. per Cent.* and also
‘ the scheme, or calculation, or other induce-
‘ ments, upon which they grounded the resoluti-
‘ ons of making a dividend of 30 *l. per Cent.*

‘ at *Christmas*, and of not less than 50 *per Cent.*
‘ *per Annum* for 12 years after.’ Mr. *Shippen* was
seconded by Sir *William Wyndham*, and no body op-
posing that motion, an order was made accordingly.
Then Mr. *Shippen* moved, and it was likewise or-
dered, that the sub-governor and deputy-governor
of the said company do lay before the house a list
of the directors of the said company, together with
the names of the treasurer, secretary, and accom-
tant of the said company : And that the direc-
tors of the said company do lay before this house,
the original book or books of the minutes of the
Committee of treasury of the said company, since
the 25th day of *December*, 1719, as also a copy of
the by-laws of the said company. After which
the Commons adjourned themselves to *Wednesday*
the 4th of *January*.

On *Monday* the 12th of *December*, his grace the
Duke of *Wharton* made a speech to the house of
Lords, wherein he took notice of the present calami-
tous state of the nation, occasioned by the *South-Sea*
project ; gave several instances of the unfair manage-
ment of the directors ; and moved, that a day might
be appointed to consider of the present state of the
nation, particularly with relation to public credit.
The next day was appointed accordingly ; but that
affair was then put off till the 29th, when the Lord
North and *Grey* made a long speech, wherein having,
in the first place, animadverted on some licentious
and prophane writings, that struck at the very foun-
dation of the christian religion, his Lordship then
took notice of the *South-Sea* project, which, as he
had foretold ten months before, had been attend-
ed with such dismal consequences. He was se-
conded by the Earl of *Aylesford*, and then his
grace the duke of *Wharton* spoke on the same
subject,

subject, and (among other fraudulent practices of the *South-Sea* managers, instanced in some collusory bargains about stock, between the *sword-blade* company and Mr. *Knight*, treasurer to the *South-Sea*) concluded, he hoped that noble assembly would exert their power in punishing the villainous projectors and executors of the *South-Sea* scheme. After some other speeches, the consideration of the state of the public credit was referred to a Committee of the whole house, into which their Lordships were to go on *Thursday* the 22^d of *December*; but the papers they had called for, not being yet laid before the house, their Lordships adjourned themselves to *Monday* the 9th of *January*, by reason of the ensuing holidays.

Jan. 4. The Commons being met, Mr. *Farrer* presented the land-tax bill, which was received, read a first time, and ordered to be read a second. After which Mr. *Treby* moved for bringing in the bill to prevent mutiny and desertion, &c. and was seconded by the Lord *Carpenter*. Hereupon Sir *Joseph Jekyll* said, ‘ He could not but be surprized to see a bill moved for so early, which
 ‘ seldom or never used to be brought in ’till towards the end of a session : That such a hurry
 ‘ seemed to be intended to stop the prosecution of
 ‘ the authors of the present misfortunes : That
 ‘ they all very well knew that their days were
 ‘ numbered, and that as soon as they had dispatched the money bills, and the bill now moved for,
 ‘ they should immediately be dispatched home :
 ‘ That therefore he was for staying those bills,
 ‘ until they had done justice to the nation, who
 ‘ called aloud for it.’ Mr. Secretary *Craggs* said thereupon, ‘ He wondered to see any opposition
 ‘ made to a bill so necessary for the safety of the
 ‘ government, especially by a person who had received

‘ceived signal favours from the crown.’ Upon this the Lord *Molesworth* stood up, and said, ‘Mr. Speaker, is it come to this, that every man who has a place, must do all the drudgery that is enjoined him? This may be true of some underling; but I don’t believe it, I’m sure ’tis false of King *George*; he commands his servants nothing, but what’s according to the laws, and for the good of his subjects.’ Then Sir *Joseph Jekyll* added, ‘That he was as zealous as any man for the service of the King and his government: But he was of opinion, that the doing justice to the nation, and punishing them who had brought it into the present calamitous condition, was the most effectual way both to serve the King, and at the same time to discharge their duty to their injured country: Concluding, however, that he did not oppose the bringing in of the bill in question, which was thereupon ordered to be brought in.’

After this, according to the order of the day, the Commons were to go into a grand Committee, to take into farther consideration the present state of the public credit of this kingdom: But Sir *Joseph Jekyll* resuming his speech, represented, ‘That before they proceeded any farther, they ought to secure the persons and estates of those they had reason to look upon as the authors of the public misfortunes; and therefore he moved, that leave be given to bring in a bill to restrain the sub-governor, deputy-governor, directors, treasurer, under-treasurer, cashier, secretary, and accomptant of the *South-Sea* company, from going out of this kingdom for the space of one year, and until the end of the next session of Parliament; and for discovering their estates and effects, and for preventing the transporting and alienating the same.’ He was seconded by *Horatio Walpole*, Esq; who gave some instances,

instances, both of the unfair methods by which the *South-Sea* directors, and their officers, had got immense riches, and of their pride and insolence. Serjeant *Pengelly*, Mr. Attorney and Mr. Solicitor general, Mr. *Spencer Cowper*, and several other members, having likewise supported Sir *Joseph Jekyll's* motion, it was carried *nemine contradicente*, and ordered, that the master of the rolls, Mr. *Horatio Walpole*, Mr. Serjeant *Pengelly*, Mr. Attorney-General, Mr. Solicitor-General, Mr. *Jefferies*, and Mr. *Cowper*, do prepare and bring in the said bill.

This done, Mr. *Shippen* expressed his great satisfaction, to see a *British* house of Commons resume their pristine vigour and spirit, and act with so great unanimity for the public good, ‘ He owned the necessity of securing the persons and estates of the *South-Sea* directors, and their officers : But said, that, in his opinion, there were some men in great stations, whom, in time, he would not be afraid to name, who were no less guilty than the directors.’ Mr. Secretary *Craggs*, being somewhat nettled at this, said, ‘ That he was ready to give satisfaction to any man that should question him, either in that house or out of it.’ This expression gave no small offence ; and thereupon the Lord *Molesworth* said, ‘ That he had had the honour to be a member of that house upward of thirty years, and never before now knew any man bold enough to challenge the whole house of Commons, and all *England* besides : That, for his part, though past sixty, he would answer whatever he had to say within the house, and hoped there were young members enough, that would not be afraid to look Mr. Secretary in the face out of the house.’ Upon this Mr. Secretary, seeing the house in a great ferment, got up again, and modestly said, ‘ That

‘ That by giving satisfaction, he meant clearing
 ‘ his conduct.’ As soon as this was over, the house
 debated in what manner they should proceed in the
 intended enquiry, whether in a grand or select com-
 mittee. After several speeches on both sides, it was
 resolved, *nemine contradicente*, that a committee be
 appointed to enquire into all the proceedings relating
 to the execution of the *South-Sea* act. 2. That the
 number of the said committee be thirteen. 3. That
 the said committee be chosen by way of ballotting.
 After this, the Lord *Hinchinbroke* represented, ‘ That
 ‘ it was to be feared, that before the bill ordered to
 ‘ be brought in against the sub-governor, deputy-
 ‘ governor, and directors of the *South-Sea* company,
 ‘ was gone through both houses, the most criminal
 ‘ amongst them might withdraw themselves out of
 ‘ the kingdom ; and therefore his Lordship moved,
 ‘ that they might be immediately ordered into cus-
 ‘ tody :’ But Mr. *Lechmere*, and some other mem-
 bers, having shewed the inconveniencies that might
 ensue therefrom, that motion was dropped ; and then
 the Commons, in a committee of the whole house,
 resumed the consideration of the present state of the
 public credit of this kingdom.

Jan. 5. They met again, in a grand committee,
 upon the same business, and took into consideration
 the proposals laid before the said committee by the
South-Sea company, for ingrafting nine millions of
 their stock into the *East-India* company, and the
 like sum into the *Bank of England*, as also the pro-
 posals of the *East-India* company and the *Bank*, for
 taking in the said stock ; and after some debate, it
 was resolved, by a majority of 173 voices against
 130, that an ingraftment of part of the capital of
 the *South-Sea* company, into the capitals of the *Bank*
 of *England* and the *East-India* company, pursuant to
 the several proposals of the said companies, will con-
 tribute very much to the restoring and establishing
 public

public credit. Mr. Speaker, having resumed the chair, the court party mov'd, that Mr. *Farrer*, the chairman of the grand committee, should the next day report the said resolution ; but this motion was strenuously opposed by the other party, and the question being put thereupon, it passed in the negative by a majority of 153 voices against 140 ; after which, it was ordered, that the said report be received on *Tuesday* the 10th.

Jan. 6. The Commons were to proceed to the choice of the select committee by way of balloting, but that was put off 'till the *Monday* following. After this, the sub-governor and deputy-governor of the *South-Sea* company, presented to the house several books of accompts, (pursuant to several orders of the house) with a schedule of them, which, after they were withdrawn, was read, as follows, *viz.*

Pursuant to an order of the 15th of December last.

An account of the authorities and powers the court of directors of the *South-Sea* company had from the general courts of the said company, to lend out money on the stock and subscriptions of the said company.

Pursuant to an order of the 20th of December last.

A list of the names of the directors of the *South-Sea* company, together with the names of the treasurer, secretary, and accomptant of the said company ; and also,

Copy of the by-laws of the *South-Sea* company, and also,

The original minutes of the committee of the treasury of the *South-Sea* company, since the 25th of *December* 1719, contained in one stitched book, and one bound book.

Pursuant

Pursuant to an order of the 17th of December last.

A list of the money-subscriptions that was delivered to, or made by the directors of the *South-Sea* company, upon the fourth subscription, and the sums that have been paid thereupon.

The said books and papers were ordered to lie upon the table, to be perused by the members of the house. After which, it was also ordered,

1. That the directors of the *South-Sea* company do lay before this house a state of their present increased capital, and how the same has been distributed and disposed of, *viz.* how much of the said increased capital has been disposed of to the first and second subscribers of the public debts, and how much to the last *Midsummer* dividend of 10 *l. per Cent.* in stock, and to how much of the said increased capital the proprietors of the four money-subscriptions are intitled respectively, according to the last allowance at the general court of the said company.

2. That the said directors do lay before this house an account of the whole sum paid, and to be paid, on the four money subscriptions, according to their present scheme and contracts, distinguishing how much of the said sum has been actually paid, and how much remains to be paid.

3. That the said directors do lay before this house a state of what their capital stock will be, in case the remaining payments of the last three money-subscriptions are discharged, and stock be allowed to those proprietors, at the rate of 100 *l.* stock, with the *Midsummer* dividend of 10 *l. per Cent.* for every 400 *l.* actually paid in.

4. That

4. That the directors of the *East-India* company do lay before this house the agreement that was made by them with the directors of the *South-Sea* company, for the disposition and distribution of the one million and an half, part of the nine millions proposed to be ingrafted upon the stock of the *East-India* company, from that of the *South-Sea* company.

After this, the Commons adjourn'd to the 9th of *January* ; when Mr. *Henry Lyell*, one of the directors of the *East-India* company, presented to the house, the agreement made by the said company, with the *South-Sea* company, for the disposition and distribution of one million and an half, part of the nine millions proposed to be ingrafted upon the stock of the *East-India* company, from that of the *South-Sea* company ; which agreement was ordered to lie on the table. The call of the house being adjourned to that day sev'nnight, the house proceeded to the choice of the thirteen persons to be a select committee, and the clerk and clerk-assistants went on each side the house with glasses, to receive from the members, in a ballot, the lists of persons names to be the said committee : After which, a committee was appointed to examine the said lists, and report to the house upon which thirteen persons the majority fell.

Jan. 10. The sub-governor of the *South-Sea* company presented to the house several states and accounts that had been called for, and which were ordered to lie on the table ; and then Sir *Joseph Jekyll* presented to the house a *Bill to restrain the sub-governor, deputy-governor, directors, treasurer, &c. of the South-Sea company, from going out of this kingdom, &c.* which was read a first, and ordered to be read a second time the next morning. After this, Mr. *Farrer*, according to order, reported from the committee of the whole house of the *Thursday* before,

A bill to prevent the *South-Sea* directors from going out of the kingdom &c.

fore the resolution above-mentioned, about the ingraftment of nine millions of *South-Sea* stock, upon the respective stocks of the *Bank* and *East-India* company ; and a motion being made that the said resolution be recommitted, it occasioned a warm debate, that lasted from three in the afternoon till eight at night. Mr. *Sloper*, Mr. *Clayton*, Sir *Joseph Jekyll*, and some other gentlemen, represented, ‘ That
‘ the project before them was more like to prove a
‘ dangerous palliative, than an effectual remedy to
‘ the present distemper ; and being founded on a
‘ notorious piece of injustice, viz. (the obliging the
‘ subscribers of annuities and money, to take *South-Sea*
‘ stock at above double its value) would rather
‘ farther hurt, than restore public credit.’ Mr. *Hutcheson* spoke to the same effect, urging, ‘ That
‘ this scheme seemed to be calculated with the same
‘ view as the former (the ill effects of which they
‘ intended to remedy) viz. to enrich the proprietors
‘ of the original *South-Sea* company, at the expence of
‘ the long annuities, proprietors of the redeemables,
‘ and money subscribers ; whereas, in his opinion,
‘ all the proprietors of the increased capital, ought
‘ to bear an equal share in the loss, occasioned by the
‘ ill management of the *South-Sea* scheme’. He also raised several other objections to the new scheme, and insinuated, that if the resolution in question were recommitted, he might propose something better for the restoring of public credit. Mr. *Robert Walpole* answered all objections, and carried the votes of many members, who had been staggered by the arguments of the opposite side : He was strongly supported by Mr. Secretary *Craggs*, Mr. Attorney and Mr. Solicitor General, and by several other members ; so that the question being put upon the motion for recommitting the resolution about the ingraftment, it was carried in the negative, by a majority of 267 voices against 134. Then the house agreed to the said resolution, and a bill was ordered to be brought
in

in thereupon by Mr. *Robert Walpole*, Mr. Secretary *Craggs*, Mr. *Aislaby* Chancellor of the *Exchequer*, Mr. Attorney-General, Mr. *Lownds*, and Mr. *Stanhope*.

Jan. 11. The bill for punishing mutiny and desertion, &c. was brought in, read the first time, and ordered to be read a second; and after the reading of several private petitions Mr. Serjeant *Mead* reported the names of the thirteen persons, on whom the majority fell, to be a committee to enquire into all the proceedings relating to the execution of the *South-Sea* act, viz. *Thomas Broderick*, Esq; *Archibald Hutcheson*, Esq; Sir *Joseph Jekyll*, Master of the Rolls, *Edward Wortley*, Esq; Sir *Thomas Pengelly*, Serjeant at Law, *William Clayton*, Esq; *Edward Jeffreys*, Esq; *Robert Lord Viscount Molesworth*, *Thomas Strangeways*, Esq; *William Sloper*, Esq; *Nicholas Lechmere*, Chancellor of the Dutchy, the honourable General *Rosse*, the honourable *Dixie Windsor*, Esq;

List of the
committee
for inquiring
into the
South-Sea
affairs.

These persons, or any five of them, were to meet that afternoon in the Speaker's chamber, with power to adjourn from time to time, and from place to place, as they should find it convenient, and to report their proceedings from time to time to the house, and to have power to send for persons, papers, and records; and the several books and papers which had been laid before the house by the *South-Sea* company, were referred to the said committee. Then the bill to restrain the sub-governor, deputy-governor, directors, &c. of the *South-Sea* company, &c. was read the second time, and committed to a committee of the whole house.

On the 12th, a petition of the said sub-governor, deputy-governor, and directors, was presented to the Commons, and read, praying, That they might be heard by their council against the said bill; but after

some debate, that petition was ordered to lie on the table. Then Mr. *Broderick*, chairman of the select committee, reported, that he was directed to move the house, that such persons as the committee should think proper to be examined, relating to the matter of the said enquiry, might be examined in the most solemn manner, which was ordered accordingly.

Jan. 13. The Commons ordered, that it be an instruction to the said committee, that they should provide, by the *bill for restraining the sub-governor, deputy-governor, directors, &c.* that all forfeitures of the real and personal estates of any of the persons to be named therein, be made subject and liable to the disposition and appropriation of Parliament; after which, in a grand committee, they went through the bill, and made several amendments thereto.

Jan. 16. Mr. *Horatio Walpole* reported the amendments made to the bill against the sub-governor, deputy-governor, and directors of the *South-Sea* company; which, with amendments to several of them, were agreed to, and the bill ordered to be engrossed; after which, it was ordered, that the committee appointed to enquire into all the proceedings relating to the execution of the *South-Sea* act, be a committee of secrecy. And then the call of the house was again adjourn'd to that day sev'nnight.

Jan. 19. The ingrossed bill, against the *South-Sea* directors was read the third time, passed, *nemine contradicente*, and sent up to the Lords. After which, upon a motion made by the Master of the Rolls from the committee of secrecy, that Sir *Robert Chaplin*, Sir *Theodore Janssen*, *Francis Eyles*, Esq; and *Jacob Sawbridge*, Esq; four of the directors of the *South-Sea* company, and members of the house, might attend the said committee, and be examined before them

them in the most solemn manner, the same was ordered accordingly. Then Mr. Secretary *Craggs* reported the amendments made to the quarentine bill, which, with other amendments made thereto, was ordered to be ingrossed.

Jan. 20. The sub-governor of the *South-Sea* company, presented to the house several accounts and papers, pursuant to the orders of the 15th, 17th, and 29th of *December* last, with a schedule of them; and then they withdrew.

The said schedule was read as followeth, *viz.*

A supplement to the account presented the 29th of *December* last, of money lent out upon the stock of the *South-Sea* company.

An account of the uses to which the money received by the *South-Sea* company for the last *Christmas* dividend, was applied, so far as the same, or any part thereof, was satisfied in the bonds of the said company.

An account of the inducements on which the directors of the *South-Sea* company took in the third and fourth money-subscriptions, at 1000 *per Cent.* with the inducements for declaring the dividend of 30 *per Cent.* at *Christmas*, and not less than 50 *per Cent. per Annum* for twelve years.

An account of the calculation on which the court of directors of the *South-Sea* company grounded their resolutions, for making the dividend of 30 *per Cent.* at *Christmas*, and not less than 50 *per Cent. per Ann.* for twelve years.

An account of all quantities of stock which have been bought for the use of the said company, and the prices and times of buying the same.

An account of the inducements on which the directors of the *South-Sea* company took in the third and fourth money-subscriptions, at 1000 *per Cent.* with the inducements for declaring the dividend of 30 *per Cent.* at *Christmas*, and not less than 50 *per Cent. per Annum* for twelve years, having been read, the said accounts and papers were referred to the committee of secrecy.

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INQUIRY
INTO THE
MANNER
OF CREATING
PEERS.

THE leaders of those warlike nations who overturn'd the *Roman* empire, did, in process of time, become kings of the respective provinces which they conquered: And by the disposition and regulation of property, which they respectively established among their followers, gave birth to what was afterwards called the *Feudal Law*. For by the *Feudal Law* must not be intended, those laws by which the *Goths* (or by whatsoever other name the glorious founders of the *European* monarchies were known) were governed while they were as yet in their own countries, but those, which after the acquisition of their several provinces, the conquerors by a common necessity were obliged to observe, that they might be able to keep possession of their conquests. And hence it is, that the form of their civil government was taken from that of their army. The ancient inhabitants of the countries conquered, not being to be trusted with too large a share of property, the distribution of lands (which was the reward of the conquering army) was made with a view to the keeping them in perpetual subjection.

But without entering particularly into the history of the rise and progress of the *Feudal Law*, it will be sufficient to observe, that in a small compass of time, it spread over all *Europe*; the several conquerors of the *European* provinces, being engaged by a likeness of circumstances, to

establish laws similar to each other. And a kingdom, upon their principles, is to be considered no otherwise than as one great seignory or dominion, of which the king is the chief lord. For the whole conquered territory was at first divided into two parts : One of which was reserved for the support and revenue of the crown, and was manured by the proper tenants and husbandmen of the king. Which share of the lands was the *Sacrum Patrimonium Principis*, and the inseparable inheritance of the crown, and is styled in the book of Domesday, *Terra regis*, and is now known in law, by the name of *Ancient Demesne*.

Fitz-Herbert Stat. de Militi 1 Ed. 2. cap. 6.

The occupiers of these lands were all tenants in *socage*, and (among other their privileges) they could not by law be obliged to serve in the wars.

For the defence therefore of their new established kingdoms, the other part of the land was divided among the military men ; in a manner so like what was practised by *Alexander Severus*, in some frontier provinces of the *Roman* empire, that it has been thought by men of very considerable learning, to have been the foundation of the *Feudal Law* : The Barbarians making use of that method, which they found employed by that emperor for the defence of his provinces, to maintain themselves in the possession of theirs. As the words of *Ælius Lampridius*, from whom this passage is taken, are very remarkable, I have thought fit to transcribe them. “ *Sola quæ de hostibus* “ *capta sunt limitaneis ducibus et militibus donavit, ita* “ *ut eorum ita essent, si hæredes illorum militarent, nec* “ *unquam ad privatos pertinerent, dicens attentius eos mi-* “ *litaturos, si etiam sua rura defenderunt.*” For this purpose, therefore, provinces were granted to *Dukes*, subdivisions of them, or counties, to *Earls*, castles and seignories to *Barons* ; subject, among others, to this condition, of serving in the wars with a prescribed number of men.

In Vita Alexandri Severi.

These *Fiefs*, as they were afterwards called, were originally, at most, but for term of life ; and when in process of time they became hereditary, this condition of military service was so annexed to the possession of land, that every *Donee* and his heirs were obliged, not *ex pacto vel condito*, but of common right without any express reservation in the grant for that purpose, to render all feudal duties and services whatsoever.

This *Feudal Law* prevailed so universally, that while the *Civil Law* was buried for several ages and forgotten, it was, as it were, the *Jus Gentium* of *Europe*. As for *England* in particular, the *Civil Law* was scarcely ever admitted, whereas the bulk of our *Common Law* is nothing but feudal customs. And *Braeton* thought that *Counties* and *Baronies* were in a manner essential to the being of a kingdom; *Regnum*, says he, *quod ex Comitatus et Baronibus dicitur esse constitutum*: And the author of the *Mirror of Justices*, after mentioning several of the royal prerogatives, adds, “These rights the first kings held, and of the residue of the lands they did enfeoff the *Earls*, *Barons*, *Knights*, *Serjeants*, and others, to hold of the King by the services provided and ordained for the defence of the realm, according to the articles of the ancient Kings.” And for this reason therefore do all our Lawyers affirm, that no subject does possess any land in *England* absolutely free, but that it is all held mediately or immediately of the crown, it being but partially or conditionally, and not absolutely granted to him.

Lib. 2. c. 34.

C. 1. fs. 3.

Co. Lit. fs. 1.

Smith de Rep. 1. 3. c. 10.

Somner Gav. p. 109; &c.

At the time of the conquest, the *Feudal Law*, as it was understood and practised in *France*, flourished in its full vigour in *Normandy*. Not that the customs of *Normandy* were entirely the same with those of *France*, since that was impossible, each province of that kingdom, even at this day, having distinct and different customaries, though all founded upon the same principles, as appears by their greatest lawyers, constantly explaining the customs of one province by those of another. But that (in like manner) *Rollo* upon his conquest of *Neustria*, afterwards called *Normandy*, for the preservation of his acquisition, did establish laws (as his circumstances were the same) much resembling those which had been enacted by the *Franks*, upon their conquest of *France*, which, as intercourse and commerce between the two people increased, acquired a still greater likeness. Now although there were military tenures in *England*, during the time of the *Saxons*, yet it is certain that they underwent a very great alteration by the accession of *William the Conqueror* to the throne, who established many feudal customs for law, which he brought with him from *Normandy*.

Oeuvres de Bafnag. Vol. 1.

Fiefs had in *France*, not many years before our conquest, been made hereditary with no other view than to secure the succession of the crown to one family. For *Hugh Capet*, who

who usurped the crown of *France*, to the entire exclusion of the *Carolovingian* line, in order to make it the interest of all the lesser nobility (for perhaps some of the greater *Fiefs* had been made hereditary sooner through the weakness of the *French* princes) to support his title, did in the year 988 grant to them, that from thenceforth they should hold their *Fiefs* to them and their *heirs* for ever, in a feudal manner by the ceremony and oath of *homage* and *fealty*. This example was wisely followed by *William the Conqueror*, who immediately transferred (if *Sir Henry Spelman* is to be believed) this *French* custom of making *Fiefs* hereditary, into *England*, neglecting the former practice of our *Saxon* ancestors, who had till that time continued the tenure of their *Fiefs* either arbitrary, or at least in some definite limitation, as for life, &c. But what makes this speculation the more probable is, that for a long time after the conquest, the rules of the descent of land at the common law were very uncertain. Which is exactly conformable to what has happened abroad, during the infancy of the *Feudal Law*, in which the succession to *Fiefs* was but by slow degrees reduced to a certainty. “Antiquif-
 “*fimo tempore sic erat in dominorum potestate connex-*
 “*um, ut quando vellent, possent auferre rem in feudum*
 “*a se datam. Postea vero eò ventum est, ut per annum*
 “*tantum firmitatem haberent. Deinde statutum est ut*
 “*usque ad vitam fidelis produceretur. — Sic progressum*
 “*est, ut ad filios deveniret.*” My lord chief justice *Hales*
 does observe, out of *Glanvil*, that in the reign of *Henry*
 the second, if a man had two sons, and the eldest died in
 the life-time of the father, leaving a son or daughter, and
 then the father died, it was controverted whether the
 nephew or the son should succeed as heir to the father.
 The chief justice adds, that the better opinion seems to be
 for the nephew; but then this observation must be added,
 that though *Glanvil* does declare for the nephew, it is not
 generally but upon condition; for if the father of the ne-
 phew had been by the grandfather provided for with a suffi-
 cient portion, and been as it were manumitted and made
sui juris, in such case the nephew, according to *Glanvil*,
 was not heir. But if the father died during the life of
 the grandfather, while he was part of the grandfather’s fa-
 mily, and *sub ejus potestate*, without any separate estate of
 his own, and in such case only was the nephew heir. “Ita
 “*dico si pater suus non fuerit ab avo suo foris familia-*
 “*tus*

Lib. feudor.
 1. tit. 1.

De succession
 lib. 7. c. 3.

“ tus ——— si quando partem terræ suæ assignet pater
 “ filio suo et seisinam faciat, ——— tunc enim non poterint
 “ hæredes ipsius filii de corpore suo aliquid amplius petere
 “ contra avunculum suum vel alium de residua parte hæ-
 “ reditatis avi sui.” But besides what is now observed
 out of *Glanvil*, it is certain that much harder cases did
 happen at the time that he wrote. For sometime by
 the *Feudal Law*, if the father died leaving several sons,
 the Lord of the *Fief*, though he was obliged to give it one
 of them, was yet at liberty to grant it to which he
 pleased. “ Progressum est ut ad filios deveniret, in Lib. Feud.
 “ quem, scilicet dominus hoc vellet beneficium confir- ubi supra.
 “ mare.

That the King had a prerogative somewhat like this
 in relation to female heirs is certain ; for by *Fitzherbert* it Prescription.
 appears, that if a *Baron* died leaving only three daughters, 3 H. 3. n. 56.
 if the two eldest were married, &c. the King had the
 marriage of the youngest, to whose husband the King
 could grant the whole inheritance of the father, entirely
 excluding the other sisters. But this was not all, for
 during the same reign of *Henry II.* a man died leaving
 a son by a first wife, and another son by a second wife,
 the King claimed and actually exercised the prerogative
 of bestowing the *Fief* upon the second son, though by
 a different ventre ; because he judged him to be a man
 abler to perform knight-service than the other. “ Gal- Mag. Rot.
 “ fridus de Mandeville senex tenuit Baroniam de Merse- 10.
 “ wude ——— et genuit de primâ uxore sibi desponsatâ Joa. Re. Ro.
 “ Robertum de Mandevillâ. ——— Galfridus autem senex 11. b. Dor-
 “ de Mandevillâ ——— aliam uxorem desponsavit de quâ set & Somers-
 “ genuit Radulphum de Mandevillâ qui post obitum ipsius set.
 “ Galfridi senis tenuit prædictam Baroniam per volunta-
 “ tem Henrici Regis eò quod fuit melior miles, quam Ro-
 “ bertus de Mandevilla frater ejus.

The army of *William* the conqueror was composed of
 several nations, who, in order to make their fortunes by
 the spoil of the *English*, had listed themselves in the service
 of the *Norman*. “ Galli namque et Britones, Pictavini, Order. Vi-
 “ et Burgundiones, alique populi Cisalpini ad bellum tal. in Vi,
 “ transmarinum convolârunt et Anglicæ prædæ inhian- Wi. 2.
 “ tes.” And among all those people, as well as in *Nor-*
mandy, the *Feudal Law* not only prevailed, but was un-
 derstood almost in the same manner. Now as I do not
 propose to write a just treatise upon the original and na-
 ture

Tit. of ho.
nor. p. 507--
8.

ture of *Peerage*, but only to enquire into the manner how the prerogative of creating *Peers* was anciently exercised by the crown, I shall not carry my present research higher than the conquest. What estate the chief *Thanes* among the *Saxons* (who, Mr. *Selden* says, were the King's immediate tenants of lands held as of his person by personal services, which therefore he thinks to be a kind of grand-ferjeantry) had in their honours, or how they were created, not being necessary to be determined in the examination of a point, that as to the first part of it, turns chiefly upon the *Feudal Law*, as it was understood in *England*, soon after the conquest.

In Britan.

Peerage, according to the common opinion, is by three manner of ways, that is, by *tenure*, by *writ*, or by *letters patents*. But before I enter into the consideration of either of them, it must be observed, that it is agreed by all, that from the conquest until the latter end of the reign of *Henry III*, the *Barons* were all feudal and by tenure, and consequently their appearance in parliament, during that time, can be considered no otherwise than as a service annexed and incident to the possession of their lands. *Henry III*, according to the learned *Camden*, first began the method of creating *Barons* by *writ*, thereby excluding such of the lesser *Barons* by *tenure* as he pleased, and bestowing an equal degree of honour and privilege upon persons who were not *Barons* by *tenure*, as upon those who were. Which method of proceeding continued until the 11th of *Richard II*, who first introduced the creation of *Barons* by *patent*. These three periods of time, which exhibit so many different stages of the *English Peerage*, are so remarkable, that I think I cannot observe a better Method than to make them the heads of the following discourse.

The whole of parliamentary business may be reduced under the two general heads of *Advice* and *Consent*; so far as the consent of the *Barons* was wanting to any proposition that might be made unto them, their presence in Parliament, and signification of their assent, was absolutely necessary to enable the King to do some acts, which by law could not be done without their consents. And as to the matter of advice, their attendance is to be considered only as a feudal service, which by the tenure of their lands, and the oath of homage they had taken, they were obliged to pay unto the King, as to the superior lord
of

of their *Fiefs*. For it was a notion common to all the *Gothick* nations, that their Kings had no right to any duties or services whatsoever, but what were purely feudal. Nor did any man think himself obliged to the performance of any farther service, than was annexed to the tenure of his lands. And therefore as to all other things that were *extra-feudal*, the particular consent of the parties who were to perform them, either in person or by their representatives, was absolutely requisite. Now it is absurd to suppose that the conquerors, native *Normans*, and much more so, that the foreigners, who were no inconsiderable part of his army, flushed with the merit of conquering a kingdom for their general, would suffer themselves to be worse used in *England* than they had been in their own country. That prince therefore (who was not likely to abate any thing of his just prerogative) never pretended to any thing from his followers, that was not founded upon the known principles of the *Feudal Law*, as appears by the laws which he enacted ; “ *Volumus etiam ac firmiter* Inter leges
W. I. lex
55.
“ *præcipimus, ut omnes liberi homines totius monarchiæ*
“ *Regni nostri prædicti, habeant & teneant terras suas et*
“ *possessiones suas bene et in pace liberè ab omni exactione*
“ *injustâ et ab omni tallagio, ita quod nihil ab eis exigatur*
“ *vel capiatur nisi servitium suum liberum quod de*
“ *jure nobis facere debent et facere tenentur, et prout statutum est eis et illis a nobis datum et concessum, jure*
“ *hæreditario in perpetuum per commune concilium totius*
“ *regni nostri.*”

Parliaments were not formerly so regular in point of form as they now are, since even the number of Knights to be chosen for each shire, to serve in the house of Commons, was for some time uncertain. The first writs for the choice of whom that are extant, are 22 *Ed. I.* by M. 6. dor. which two Knights only, as at this day, were directed to be chosen for each county : But then the King not being satisfied with that number, as appears by another writ entered upon the same dorse, the sheriffs are commanded to cause two other Knights to be chosen ; which way of proceeding being at last thought inconvenient, was remedied by the statutes of 6 *R. 2. c. 4.* 7 *H. 4. c. 15.* and several other subsequent statutes, which have contributed to the reducing the house of Commons to that method and form we now see it in. Now one reason why these circumstances were not determined in the earlier times,

may possibly be, that they were then more concerned about the essentials of government than the forms. When no prince in *Europe* had as yet imagined that he had a right to rule in all things without a Parliament or assembly of Estates ; provided the consent of the persons who were either to pay or perform any thing *extra-feudal*, was, *bona fide*, applied for and obtained, they were not oversollicitous concerning the manner in which it was applied for and obtained. But as the people grew jealous of the crown's designing to impose contributions, &c. upon them without their consent, these (otherwise) formalities were thought necessary to be regulated and fixed. For certainly such things have been formerly done by each house in Parliament, and that without any complaint, which if they were now to happen, would be universally condemned as unparliamentary and illegal. Both Lords and Commons have separately and by themselves given aids and subsidies unto the crown ; as for instance, in 13

Rot. parl. n. 6. *Ed.* 3. the Lords granted unto the King the tythe of all the corn, &c. growing upon their demesnes ; the Commons at the same time granting nothing, nor any wise concerning themselves with what the Lords thought fit to grant out of their own estates. At other times the Knights of shires separating themselves as it were from the rest of the Commons, and uniting themselves to the Lords, have granted a subsidy, and the representatives of cities and boroughs have likewise separately, by themselves, granted subsidies to the crown, as appears by a writ for the

Rot. parl. p. 1. m. 22. collection of a subsidy in 24 *Ed.* 1. " Rex, &c. Cum
" comites Barones milites, &c. nobis, &c. fecerunt un-
" decimum de omnibus bonis suis mobilibus. Et cives
" et burgenfes, &c. septimam de omnibus bonis suis mo-
" bilibus, &c. nobis curialiter concefferint, &c."

But farther, when any affair happened which was not universal, but affected only particular persons, it was common for them only to be summoned. Hence is it, that we see among the rolls several writs to this purpose, as e. g. *Summonitiones ad colloquium, de veniendo ad consilium*, &c. which though they have sometimes been mistaken for parliamentary writs, are yet nothing but summons of particular persons to consult, and to contribute towards the expence of an affair, in which they only (or at least chiefly) were concerned. As in 35 *Ed.* 3. there is a writ directed to *Humfry* Earl of *Northampton*, (which *Dugdale* however

however has printed in his collection of writs of summons to Parliament) wherein after reciting the confusion the affairs of *Ireland* were in, and that he and several other *English* Lords had large possessions in that kingdom, and were therefore more particular obliged to the defence of it, it follows, “ Volumus vobiscum et cum aliis de eodem
 “ regno (*Angliæ* scilicet) terras in dicta terra habentibus
 “ colloquium habere et tractatum vobis in fide et ligean-
 “ cia, &c. mandamus, &c. But that the reader may fully see, how strictly the principle of no person’s being to be taxed without their own consent was observed, he must know, that upon the same occasion writs were likewise directed even to the ladies, who were proprietors of land in *Ireland*, commanding them to send their proper attornies, to consult and consent to what should be judged necessary to be done in relation to that affair. “ Rex,
 “ &c. Mariæ Comitissæ *Norfolc.* salutem, &c. vobis
 “ in fide et ligeancia, &c. mandamus quod ——— ali-
 “ quem vel aliquos de quibus confidatis apud *Westmon.*
 “ mittatis ——— ad loquendum nobiscum ——— super
 “ dictis negotiis ——— et ad faciendum et consentien-
 “ dum nomine vestro, super hoc quod ibidem contigerit
 “ ordinari.”

Rot. Claus.
 35 E. 3. m.
 36. dorso.

If this equity was therefore observed with respect to particular persons, it is no wonder that it was always thought necessary, as well as reasonable, to consult the whole kingdom in Parliament, upon all affairs and demands, which were extra-feudal, and of a general concern. And therefore that great King, *Ed. I.* was so sensible of the justice of this way of proceeding, that he inserted in his writs of summons to Parliament, as a first principle of law, and as his reason for summoning Parliaments, *That in every affair which related to the whole kingdom, the consent of the whole kingdom ought to be required.* The words are so noble that I may be forgiven if I transcribe them.

“ Rex, &c. Sicut lex justissima providâ circumspectione
 “ sacrorum principum stabilita hortatur ut quod omnes
 “ tangit ab omnibus approbetur, sic et innuit evidenter ut
 “ communibus periculis per remedia provisâ communiter
 “ obvietur.”

Rot. Claus.
 24 Ed. 1.
 m. 4. Dor.

It is agreed universally, that the *Peers* or Lords of Parliament do relate to, and serve for the general good of the whole kingdom, and as it is agreed, that every *Peer* sits in the house of Lords in respect only of his *Barony*,
 it

B. ady.

it will be necessary to enquire into the true notion of the word *Peer*, and likewise what constituted a *Barony*, during this first period of time of which we now treat. And although it is very true that there were great or common councils both in *England* and *Scotland*, before so much as the institution of tenures of land by knight-service, &c. or of manors in this kingdom, and that therefore the *Feudal Law* cannot be considered as the first original or foundation of Parliaments (as has been by some imagined) yet if we consider the *English* government only as it has been since the *Norman* conquest, it will be found natural to look upon our *Anglo-Normans* monarchy to be in great, what every manor is in *miniature*, and that therefore our Parliaments do in a great measure resemble, and may (not improperly) be stiled the *Court Baron* of the kingdom. And I cannot but think this to have been the notion of antiquity; for in the great case between the two Kings of *Navarre* and *Castille*, which was referred to the judgment of our *Henry I.* and his *Barons*, the judgment is entered (if I may use that expression) in this manner, *Comites & Barones regalis curiæ Angliæ adjudicaverunt.*

Recherches
de Pasquier,
l. 2. c. 9.

Cujac. Com.
in lib. 1. de
feud. tit. 1.
p. 18.
In Glossar.

Some authors, in order to magnify the dignity of *Peerage*, have asserted, that the term of *Peer* is properly to be derived from the *Roman Patricius*, or at least from the *Patriciatus*, which in the decadence of the *Roman* empire, was used to denote not only the most considerable dignity, but also office of the empire. As this was originally a *French* notion, and started perhaps with no other view than to flatter the *Peers* of *France*, I shall wave any farther consideration of it, since in fact (upon examination) the term appears to be owing to a much more minute original. And the word *Peers* or *Pares* is altogether feudal, signifying nothing but men equal as to their condition, convassals in the same court, and liege-men of the same lord. “Sunt autem *Pares* curtis (says *Cujacius*) “qui & *Pares* curiæ dicuntur nonnunquam et *Pares* domus, convassali, qui ab eodem domino eademve domo feuda tenent; non quasi *Patricij*, ut volunt ignari feudorum:” With whom Sir *Harry Spelman* concurs, when he says, “*Pares* dicuntur qui acceptis ab eodem domino, “puta rege comite et barone feudis pari lege vivunt. Et “dicuntur omnes *Pares* curiæ, quod in curiâ domini “illius cujus sunt vassalli parem habent potestatem, “scilicet vassalli regis in curiâ regni, vassalli comi-
tis

“tis in curiâ comitatûs, vassalli baronis in curiâ baro-
 “nis.” The word *Peer* therefore, though now it is by
 custom, and κατ' ἐξοχὴν appropriated to the *Peers* of the
 kingdom, was yet anciently equally applicable to the te-
 nants of what Lord soever. I think that I need not spend
 more time in shewing the sense of this word. Every one
 knows that in *Magna Charta* it is used in the most general
 sense. “Nullus liber homo, &c. nisi per legale iudicium Cap. 29.
 “Parium suorum.” But in the laws of *Henry* the first,
 the word *Pares* or *Compares* is used in a perfect feudal sense,
 to denote the tenants of the same manor. “In Denelaga Cap. 34.
 “Lashelutes, nisi super sancta jurare poterit, &c. Sive
 “in comitatu, vel in quovis placito regis fiat de suâ
 “vel alterius causâ, vel inter *Compares* in curiis vel divisis
 “vel locis suis.”

But farther it must be observed, that although the term
Baron as well as *Peer* has been by common usage appro-
 priated to the Lords of Parliament, that yet anciently it
 was used to signify any freeman whatsoever: The freemen
 of the city of *London* are by our old historians frequently
 stiled *Barons*; so likewise of *York*, and several other pla-
 ces. The *Barons* of the *Cinque Ports* retain their name
 unto this day. Nor is it surprising that this word was so
 applied by those authors, who were perfectly ignorant not
 only of the elegancy, but also of the propriety of the lan-
 guage they wrote in. Very little therefore can be con-
 cluded from the phrase of a monkish historian, who ge-
 nerally chose his words, at least as much for the sake of
 the sound as the sense. For the citizens of *London* have
 been stiled not only *Barons* but *Heroes*, by *Ingulphus*,
 who giving the character of one *Singin* an officer of what
 may be called the *London* militia, says, that he was “In-
 “ter omnes *Heroes Londonienses* viribus robustissimus.”
 The true sense therefore of words of this nature is not to be
 taken from the historians but from the lawyers, and legal
 proceedings of antiquity; from which it appears, that this
 word came to be used in a perfect feudal sense, and to de-
 note the chief tenants of any Lord. For not only those
 who were the chief tenants of the crown, but also those
 who under them held great quantities of land by feudal
 services, were stiled *Barons*. And the term *Baron*, when
 applied to the tenants of land, was always relative to such
 or such a Lord. The chief tenants of the King were the
Barones Regis, and so stiled to distinguish them from the
Barons

De tenen.
comit. &
hundred.

Lib. Rame-
sien. apud
Spelman.

Constit. Si-
cul. l. 3. tit.
22.

Disc. on co-
pyholds, fs.

Barons of other Lords. Thus in *Charta Henrici I.* “ Si
“ a modo exurgat, placitum de divisione terrarum, si in-
“ terest *Barones meos Dominicos*, tractetur placitum in cu-
“ ria mea.” The eight *Barons* of the county palatine of
Chester are so well known, that they need not be here
mentioned; and the most considerable tenants of the abbey
of *Ramsay*, are in a charter of *Henry the First* stiled *Barons* of that abbey. “ Sciatis coram me testificatum et re-
“ cognitum per *Barones de honore de Ramesia*.” Which
use of the word is likewise common to other feudal coun-
tries; thus in the *Sicilian* constitutions, to add no more
(and I make choice of them as a foreign instance, be-
cause their government, as well as ours, was of a *Norman*
original, and is therefore in many particulars, at least till
it was corrupted by *Spanish* viceroys, very similar to
that of *England*.) “ Post mortem *Baronis* vel militis,
“ qui a comite vel *Barone* alio, *Baroniam aliquam* vel
“ feudum tenuerit.” The terms therefore of *Peers* and
Barons were anciently frequently used as synonymous;
for as the *Barons* of the crown were indifferently stiled
either *Barons* or *Peers*, so likewise were the freeholders of
every manor, as is evident from the phrase of *Court Barons*
still in use.

Barons and *Baronies* (as is before observed out of *Bracton*)
were of the essence of a *Gothick* kingdom, in like manner
as freeholders are essential to a manor. Every man has a
right to be try'd by his *Peers*, which is a right not origi-
nally peculiar to *Englishmen*, since as to feudal questions it
was common to all the *Gothick* Nations, among whom
it was an universally received maxim, that no man could
be disseised of his *fief*, but by the judgment of the *tenants*,
who were his *Peers*, of the same *barony* or *manor* of which
it was held. And since all the judicial acts of a Lord are
done in a *court baron*, which cannot be held without free-
holders, therefore by the *Feudal Law* every *Baron* (or in
the sense we now use it) Lord of a manor, was obliged to
keep within his *barony* a sufficient number of freeholders;
or, as it is expressed in *French*; *Il estoit tenu de garnir sa*
cour de Pairs. Opinions are various as to the precise
number that is requisite; some have thought that in *Eng-*
land three at least were necessary to the preservation of a
manor, since no less number admits of a casting voice,
and consequently in many cases no judgment could be
given. But my Lord chief justice *Coke* seems to think

two to be sufficient. “ For (says he) if all the freeholders
 “ die but one, or if the Lord purchase all the freeholders
 “ lands, or pass away or release all the services of his
 “ freeholders, the Lord in such case has but a *manor* in
 “ name, because the freeholders are wanting, which are
 “ the maintainers of a *Court Baron*, &c.” Which doctrine and dispute has likewise been agitated in every other feudal country, as appears in *Du Fresne’s Glossary* verbo *Par*.

As the feudal possession of lands was a method invented by the conquerors to secure their conquests, every man of the conquering army (among whom the lands of the provincials were divided) was obliged, by virtue of his tenure, to pay a military service to his general, whom they had then dignified with the title of King. Which tenure, though it was the most burthensome, was yet the only noble, as it distinguished, and as it were pointed out the conquerors of a country. The conquerors could originally trust none but their own people, and the *Romans* or provincials (which were synonymous terms) were treated with the utmost contempt, and deprived not only of their lands but also of the liberty of bearing arms. And therefore, as Mr. *Selden* observes, the word *Gentleman* is Tit. of honor, p. 712 derived from the latin words *gentes* and *gentiles*, which had 3. been used among the *Romans* by way of reproach, to denote such persons as had not the honour to be subjects of their empire, and which were afterwards adopted by their conquerors, and made to signify the aggregate body of nobility.

All the tenants of the King who held by the same service, might in a general sense be stiled *Convassalli Regis*. But as in process of time the term of *Vassus* and *Vassallus* came commonly to denote only military tenants, and as the word *Barons* in the same manner came to be applied only to the chief military tenants, of the same superior Lord, no persons were stiled *Convassalli quoad Regem*, or *Barons*, but only those who were the immediate military tenants of the crown, that is, who held their lands *per Baroniam* of the King as of his crown; for though others might possibly have no other Lord but the King, and be therefore in some sense *tenants in capite*, yet their services were regardant to some *manor*, or great seignory *in manu regis*, that is, were paid to the King, not as King, but as Lord of such or such a *manor* which could be alienated,

and consequently their services transferred and made payable to some other Lord; whereas a *tenure* in chief of the King as of his crown, could not be granted, but was inseparably annexed to the royalty; and upon this circumstance it was, *inter alia*, that the dignity of a *Baron* was chiefly founded. But this leads naturally to the consideration of a *tenant in capite*, which upon this occasion it will be necessary briefly to explain.

Some writers upon this subject have thought *Baron* and *tenant in capite* to be as it were synonymous terms. And indeed Sir Henry Spelman does so far incline to that opinion as to say, “*Ævo Henrici 2di quævis tenura in capite habebatur pro tenura per Baroniam.*” For which sense of the word he vouches the statute of *Clarendon*, wherein, *inter alia*, it is enacted, “*Archiepiscopi, episcopi et universæ personæ regis qui de rege tenent in capite, habeant possessiones suas de rege sicut Baroniam et inde respondeant, &c.*” Now what has contributed to lead people into this notion is, that in truth during the ancient times, a great part of the *tenants in capite* were actually *Barons*, or tenants *per Baroniam*, and a great part of the rest were reputed to be so, and some of them, who really were not *Barons*, are yet so stiled sometimes in old historians, and upon their authority our *heralds* are apt to put them into their lists of ancient *Peers*. The old historians were perhaps led into their mistake, by the difficulty there often was in distinguishing between a *tenure in capite per Baroniam*, and *per servitium militis*, which in some measure might arise from this, that the number of Knights fees, comprehended in a *tenure per Baroniam*, was uncertain, and that the service of them both, when personally paid, was in a great many particulars very much alike. But what has confused some modern writers still more, is a notion they have entertained, that a *tenure in capite* was a distinct kind of *tenure* or rather service different from all others, as knight-service is from socage, &c. Whereas it is a circumstance only, that may be true of all other services whatsoever; for as the term implies nothing but an immediate tenancy, without any mesne between the Lord of the *fief* and the *vassal* who was seized of the lands, it was applicable to a *tenure* from any Lord whatsoever, and by any service whatsoever. As appears from the *Formulare Anglicanum*, where Alexander de Budicombe sold lands held of Hawise de Gurney, lady of the *fief* to Thomas

Thomas Fitz-Williams, to whom the lady gave seisin.

“Ad tenendum in capite de me et de meis hæredibus sibi
“et suis hæredibus.” But indeed the great matter in these Formul.
Angl. nu. c

tenures in capite, whether of the King or of a common person, was, that they were always *tenures* in gross, fixed to the person of the Lord, and therefore not so liable to be transferred over to any other Lord; whereas when services were regardant to a *manor*, they passed to any other person by a grant of the *manor*. And perhaps to avoid this inconvenience, a tenant would sometimes pay a fine to change one Lord for another, or a *tenure* regardant to a *tenure* in gross. Thus, “Anselmus vic. Rhoth. i. c. de di-

“midia marca auri, ut teneat in capite de episcopo
“Wintoniensi, terras quas tenuit de Thoma de sancto
“Johanne.” Mag. Rot.
5 Steph. 13.
a Berchesci-
ra.

But farther, there is no foundation for thinking *barony* and *tenure in capite* to be terms synonymous, because we find those persons ranked among the *tenants in capite*, who were never imagined to be *Barons*: So that the truth seems to be, that though every *Baron*, properly so called, was a *tenant in capite*, yet a *tenant in capite* was not by reason of his *tenure* a *Baron*; for the number of the *tenants in capite* was always encreasing, but that of the feudal *Barons* always decreased. It was common for men to pay fines to the King, that they might hold their lands *in capite* of him, without its being ever imagined that they were thereby created *Barons*. “Osbertus Sylvanus, r. c. de

“septem Marcis Argenti, ut teneat in capite de rege feo-
“dum j militis quod fuit Willielmi filii Gaufridi —
“Johannes Esturmit. r. c. de xx. s. pro xl solidatis terræ
“tenere de rege in capite — Burgenses de Lincolia r. c.
“de CC Marcis Argenti et iiij Marcis Auri, ut teneant
“civitatem de rege in capite.” Many other instances Mag. Rot.
5 Steph.
Rot. 1. b.
Not. & Derb.
Ibid. Rot. 2.
a
Ibid. Rot.
12. a.

might be added, but these are sufficient; and I think that no man can see any thing in them that looks like an intention to erect a *Barony*. The tenants, who perhaps held their lands by different services, and had mesne Lords between them and the crown, paid these fines (without any alteration of the services they were to render) to get rid of their mesnes, and become the immediate tenants of the King.

But as *tenure* in chief might be of any Lord whatsoever, so likewise might it be by any service whatsoever; as my Lord chief justice Coke observes, that a man may Co. Litt. ff.
1. 9.

hold of the King *in capite* as well in socage as by knight-service: Which appears more fully in the Earl of *Marlbro's* treatise of wards and liveries, wherein he makes two distinct chapters of *tenure in capite by knight-service*, and *tenure in capite by socage*. Now *tenures in capite*, whether the service reserved be knight-service or socage, are of two sorts; 1. Where lands are holden of the person of the King and of his crown, as of a feignory distinct, in gross, and paramount all other feignories. — 2. Where lands are held of some honor or manor, that is in the possession or seisin of the crown. And although that the term of *tenure in capite*, in the sense now generally received, is mostly applicable to the first of these, yet by reason that no mesne Lord is in fact between the King and the tenant, it was formerly commonly applied to the other. My Lord *Marlbro'* indeed seems to think, that the application of the term, in the second case, was peculiar to those lands that were holden of some honor that was anciently annexed to the crown, as *Barkinsted*, &c. but in fact it was equally applied to lands that were held of any county, barony, or manor, which by escheat or any other way whatsoever happened, to be in the possession of the crown. As for example, *Richard de Ockbeare* held the fourth part of the manor of *Rillaton in capite* of the King, as of the county of *Cornwall*. “*Cornubia ——— Richardus de Ockbeare ——— dat' domino regi xii. s. vi. d. de relevio suo ——— de quarta parte manerii de Rillaton, quam ——— tenuit de rege in capite ut de comitatu Cornubiæ in manu regis existente.*” Though it ought to be observed, that *Coke* in his 12th report does agree this to have been the ancient usage of the word, but that however (as he adds) of latter times, “*Dicitur de rege solummodo terras teneri in capite.*”

Pal. fines,
&c. 9. Ed.
2. Rot. 113.
b. x.

Estwick's
case.

I shall not particularly examine the differences there are between these two kinds of *tenures in capite*, as not being necessary to the purposes of the present discourse. But from what has been said it will appear, that the notion of *tenure in capite* has been very much confused, through the promiscuous application of the term to both the above-mentioned kinds of *tenures in capite*, without distinguishing which was particularly intended. Nor is it surprizing that those things should be so obscure at this day, when, whilst they made a great part of the business of the *Exchequer*, and the court of wards subsisted, very intricate dis-

disputes did happen concerning these tenures. One of the differences between these tenures was, that personal service was more strictly required of the *tenants in capite ut de corona*, than of the *tenants in capite ut de manerio*, &c. And therefore in the ninth of Edward II. Gerard de Wachesham petitioned the king to be discharged from personal service, and to be admitted to the payment of *escuage* money, which was in lieu of it, upon a suggestion that his lands were held in *capite*, as of the honor of Hagenet.

“Ad petitionem Gerardi de Wachesham — continentem, quod licet ipse teneat de rege manerium de Stanstede in comitatu Suff. per servitium unius feodi militis ut de honore de Hagenet & non de coronâ, per quod servitium aliquod corporale — facere non debet, sed Scutagium regi — solvere tenetur.” Other petitions to the same purpose might be mentioned, upon all which writs issued, directed to the Barons of the *Exchequer*, to search the book of domesday, the book of fiefs, and other *Memoranda in Scaccario*; and if it should appear that the petitioners were *tenants in capite ut de manerio*, &c. & non ut de corona, that then the prayer of their petition should be granted. But indeed in those earlier ages, they were so far from imagining that every *tenant in capite* of the King *ut de corona*, amounted to a *barony*, and even if it did, so far were they from being ambitious of that honour, that they apprehended nothing more than that the King (when any honour escheated into his hands) would change the *tenure in capite* as of the honour, to a *tenure in capite* as of the crown, and therefore it was made an express article in King John's *Magna Charta*, that it should not be done:

“Si quis tenuerit de aliquâ escaetâ, sicut de honore de Wallingford, &c. & de aliis escaetis quæ sunt in manu regis et obierit, hæres ejus non dabit aliud relevium, vel faciet aliud servitium quam faceret Baroni, et ut Rex eodem modo eam teneat, quo baro eam tenuit.”

Mag. Ch.
Reg. Jo.

I have been the more particular in explaining the nature of a *Peer*, or *Baron*, and of a *tenant in capite*, because it will enable us to apprehend what constituted an *Anglo-Norman Barony*. And I think it clear that every *Barony* was a *tenure in capite*; but then it is as clear that every *tenure in capite* was not *vice versa* a *Barony*. And since the term *tenant in capite* is, or at least was, equally applicable to all services, what distinguishes a *Baron* from

from all other *tenants in capite*, cannot be the want of mesnalty between himself and the crown, for that is common to them all, but must be the reservation of some particular services, of a superior nature to the others, and which were imply'd in the phrase *tenure per Baroniam*.

As I do not propose to write a compleat dissertation upon *baronies* in their full extent, I shall not enquire particularly what those services were, which were peculiar and essential to a *tenure per Baroniam*, any farther than is necessary to illustrate what must be said as to the power of creating them.

A *barony* was a *tenure in capite*, and immediately subject to the crown, as *Edw. III.* expressed it. “*Rex, &c.*

Sciatis quod, &c. Richardus Comes Arundel — 24^o

Rot. Pat. 37^o “*Octobris* — fecit nobis Homagium pro Baroniâ sua de
E. 3. P. 3^o Bromfield & Yale — quam idem Comes de nobis
m. 3. tenet in capite tanquam coronæ nostræ Angliæ imme-

diatè subjectam.” And therefore it often happened in the case of amerciaments, that when any man thought himself aggrieved by being amerced as a Baron, he would plead that he was not a Baron (though at the same time

he would admit himself to be a *tenant in capite*) *quia nil tenuit per Baroniam*. As *Thomas de Furnival*, mentioned by Mr. *Maddox*, did. “*Quia dicit quod non est baro,*

“*neque tenet, nec unquam tenuit aliqua tenementa in Com' prædict. per baroniam, nec per partem baroniæ : Dicit enim quod tenet manerium de Sheffield de domino rege per homagium tantum* — Manerium de Wyrksop & Gresthorp — de rege ut de honore de Tyckhall, &c.”

It has been already observed, that the whole of parliamentary business is reducible to the heads of either advice or consent. The first of which is to be considered as a feudal service payable to the King as superior Lord of their fiefs. The second is extra-feudal, and depends upon those principles of liberty that were common to all the *Gothick* nations. For every *tenant per baroniam* did homage to the King, by virtue of which he was obliged, whenever summoned, to attend him. The profession of homage did comprehend in it, that the tenant was obliged, *inter alia*, to serve his Lord with his council and advice. And for this reason all the ancient writs of summons did run in these terms, “*Vobis mandamus fide & homagio quibus* “ nobis

“nobis tenemini.” Which words Sir Henry Spelman, In Glossario, and my lord chief justice Coke, think to be relative only Inst. p. 5. to the *feodal Barons*. And the chief justice adds, that the reason why the *Barons* are now summoned only in *fide & ligeancia*, is because that there are no *feodal baronies* extant, though it is certain that several *Barons* who were *feodal* have been also summoned in *fide & ligeancia*. So that though a summons in *homagio* is an argument that they were *feodal Barons*, a summons in *fide et ligeancia* is no proof they were not so.

Whatever notions are now entertained of an attendance in Parliament as an honour, a privilege, &c. in the earlier ages of our monarchy, it was looked upon in a quite different light; and was esteemed to be a service, a burthen, incident to the tenure of their lands, from which many were desirous to be delivered. The clergy, who now think the *baronies* annexed to their bishopricks to be advantageous, did originally complain of them as a burthen and imposition upon the church. “Rex Willielmus pessimo usus consilio (says Matthew Paris) episco-

An. 1070.

“patus et abbatias omnes quæ baronias tenebant in purâ & perpetuâ Elemosynâ sub servitio statuit militari.”

And therefore when they were summoned to parliament, many of them would petition to be discharged from their attendance, upon suggestion that they held no lands *per baroniam*. My lord chief justice Coke affirms, that a regular ought of necessity to hold *per baroniam*, before he could be obliged to serve in Parliament, since if he did not, he could lawfully refuse his attendance, and goes so far as to say, that even the charter of Henry VIII. to Banham, abbot of Tavistocke, was void in law, because he was not a *tenant per baroniam*. But the consideration of what he further adds, that a layman was obliged to attend when summoned, whether he was a *tenant per baroniam* or not, must be referred till I come to treat of *Barons by writ*. In the mean time I shall make some observations upon the original manner of creating *Barons by tenure*; by which the reader may form some judgment how far the King had it in his power to increase, *ad libitum*, this first species of Peers.

Selden's tit.
hon. 604 a.
7. 4 Inst.
44--5.

I. Baronage by tenure is founded upon the feudal law, as it was understood by the Normans for some time after the conquest; at which time the conqueror took into his own hands, as his share of the plunder, all the *demesne*

lands

lands of the crown, and whatever had belonged to, or been in the possession of *Edward* the confessor at the time of his death; the rest he divided amongst his army, the greatest part of which had followed him with no other view than to make their fortunes. And indeed he was very liberal to many of them, as for instance, the whole county of *Chester* was granted to *Hugh Lupus*, *Robert* Earl of *Moreton*, in *Normandy*, and of *Cornwall* in *England*, had a grant of no less than 739 manors. *Alan* Earl of *Brittaigne* and *Richmond*, 442, and *Geofrey* bishop of *Constance* had 280. These grants of the conqueror, tho' they were made as rewards for services, must not, however, be attributed to the greatness of his generosity, but to the necessity of his affairs, since without it, the officers of his army would undoubtedly have mutinied, for they did never look upon them as matters of grace but of right. At least the great Earl of *Warren* thought so, when he produced his sword as his warranty for his land, in answer to a *quo warranto* brought against him, adding, "That *William* the bastard did not conquer the kingdom himself, but that his ancestors were joint adventurers in the enterprize, and sharers, and assistants therein."

Dugd. Bar.
Vo. 1. p. 79.

The services reserved upon these grants are the foundations of *baronage*, and were first enacted by the consent of the grantees themselves, to which they were easily induced, through the necessity there was of them for the security of their new acquisitions; but to speak in modern language, feudal services, and consequently *feudal Barons*, were first instituted in Parliament. And indeed it was natural that the officers of his army, who had obeyed him as their general, should be consulted as to what services they would pay to him as their King, after that they became the most considerable land-holders in the kingdom. It was natural likewise that the conqueror himself should, upon such an occasion, ask their advice and consent, since in so doing he did but follow the steps of his great ancestor *Rollo*; for feudal services were, in all probability, first established in *Normandy* by him, with the consent of the officers of his army, by whose assistance he had conquered that dutchy, if we may rely upon the authority of *Dudo Sc'tus Quintinus*, who wrote in the time of *Richard* the first, Duke of *Normandy*, and 200 years before our conquest, "*Terram suis comitibus et suis fideliter funi-*
culq

“culo divisit; securitatem omnibus gentibus in suâ terrâ
 “manere cupientibus, fecit. *Jura legesque sempiternas,* De mor.
 “*voluntate principum sancitas et decretas,* plebi indixit.” Norman.
 But it is not sufficient to say that it is natural to suppose, Lib. 2.
 these military tenures to have been first founded by a com-
 mon consent: Let me farther add, therefore, that our
 oldest authors do also affirm it. *Bracton*, in plain terms,
 affirms them to have been instituted at the conquest,
 “Regale servitium quia specialiter pertinet ad dominum Lib. 2. c. 16.
 “regem & non ad alium, et secundum quod in conquestu
 “fuit adinventum.” In which words he seems to refer
 to the 58th law of *William I.* “De clientum seu vassal-
 “lorum præstationibus.” ——— Wherein the conqueror
 himself owns them to have been established by common
 consent. “Statuimus etiam et firmiter præcipimus ut
 “omnes comites & barones & milites, & nostri prædicti
 “habeant et teneant se semper benè in armis et in equis
 “ut decet et oportet, et quod sint semper prompti et be-
 “ne parati ad servitium suum integrum nobis explendum
 “et peragendum cum semper opus affuerit, secundum
 “quod nobis de feodo debent et tenementis suis de jure
 “facere, et sicut illis statuimus per commune consilium to-
 “tius regni nostri prædicti, et illis dedimus et concessimus
 “in feodo jure hæreditario.” ——— My lord chief justice
Hales observes, upon these laws of *William I.* that they Hist. of
 were not imposed *ad libitum regis*, but that they had a par- Law, p. 108.
 liamentary authority, which he supposes to have been in
 the fourth year of his reign, in a parliament as sufficient
 and effectual, in his opinion, as was ever held in *England*.
 Which is supported by the authority of *Hoveden*, who, in
 the life of *Henry II.* speaking by way of digression of
William I. says, that “quarto anno regni sui, consilio
 “baronum suorum fecit summoneri per universos consu-
 “latos Angliæ, &c. Electi igitur de singulis totius pa-
 “triæ comitatibus viri duodecim” *Hoveden.*

Although the possession of lands in those times was at-
 tended with very great burthens, such as marriage, ward,
 relief, &c. yet it is not surprizing that the *Norman*
 chiefs should agree to them, since they were the same
 terms and services upon which they held their lands in
Normandy. What *Polidore Virgil* imagines, viz. that Lib. 16.
 these services were introduced by *Henry III.* is absurd,
 since it is manifest from the *custumiere de Normandie*, in
 the chapters, “de garde dorphelius, de relief, de aides che- Cap. 23, 24,
 “velx” 25.

“*velx, &c.*” that they were in some measure practised in *Normandy* before the conquest, and indeed in most parts of *France*, and the conqueror himself, during his minority, was in ward to the then King of *France*. But it would extend this treatise to too great a length, if I should pursue this subject any farther; I shall content myself therefore to observe, that this similitude of tenants to what they were in *Normandy* (where, like as in *England*, none but those who held in chief of the Duke, as of his duchy, had a personal right to sit in the assembly of their states) was so well understood at that time, that an entry in *Domesday* is made, that such a one held lands, according as it was used in *Normandy*. “Habet — in eodem feodo

“de W. comite Radulpho de Limes 50 carucati terræ sicut sit in Normanniâ.”

And in *Scotland* likewise it seems to have had a parliamentary original; *Indictio ad Sconam conventu* (says

Lib. 6. “*Buchanan*, in the life of *Malcolm II.*) omnes agros regios eis divisit — Nobilitas contra regi concessit, ut

“cum eorum aliquis moriretur, liberi ad vigesimum primum ætatis annum in tutela regia essent.” This account, if it be true, supposes *Ward* to have been introduced into *Scotland* fifty years before our conquest; *Malcolm II.* beginning his reign anno 1004. Perhaps there may be some mistake in it; for as it is probable the *Scotch* did receive many of their feudal customs from *England*, as we did from *France*; and *Buchanan* himself speaking of this custom in particular, admits it to have been borrowed from the *English*; “Hunc morem potius ab Anglis et

Ubi supra. “*Danis acceptum credo.*” It is not improbable but that what is storied of *Malcolm II.* as to this alteration of their law, ought rather to be understood of *Malcolm III.* who lived quite through the conqueror’s reign, and first introduced the feudal titles of honour, as of *Earl, Baron, &c.* into that kingdom.

But be that as it will, this seems to be more than probable, that these *tenures* were introduced into *England* by common consent, or by Parliament. Nor was the

number of *tenants in capite* at first so numerous, but that they might well all meet together for the dispatch of any business that concerned them all; for in the time of *William the conqueror*, there were not quite seven hundred

lay *tenants in capite*; who, together with the bishops, abbots, &c. under the King, held all the lands in the

king-

kingdom, and of whom all other persons whatsoever held. Now of these *tenants in capite*, the reserved service of the greatest part of them was but *petit serjeanty*, and consequently the number of those who held *per comitatum vel baroniam*, could not be very large.

But besides this, that the first *Barons*, or rather the first baronial services were originally instituted by common consent, that is, in Parliament, there is another consideration to be added, which arises from the portion of power which the ancient Kings of *England* had over their crown lands, or demesne; for it was by grants of them only, that it was impossible to encrease the number of feudal baronies; since, as has been before observed, at the conquest, all the other lands of *England* were either portioned out among the followers of the *Norman*, or else the possession confirmed to those old *Saxon* proprietors, who had not been in arms against him, with this difference only, that new services, &c. were reserved, which were first established by the *Normans*; and to which, perhaps, during their *Saxon* government, they had not been obliged.

In this distribution of lands ample provision was made for the support of the royal dignity; for no less than 1422 manors or lordships, together with other lands scattered up and down in the counties of *Middlesex*, *Salop*, and *Rutland*, were appropriated to the crown, over and above some quit-rents, and the services that were paid out of those which were granted away. *Ordericus Vitalis* says, that the settled rents of *William I.* amounted to no less than the sum of 1061 *l.* 10 *s.* *per diem*; which, supposing money to have been ten times the value it is now, is near four millions sterling *per annum*; “*Ipsi regi 1060 Ord. Vit. 2 librae sterlinensis monetae solidique triginta et tres oboli 1070. p. ex justis redditibus Angliæ per singulos dies redduntur.*” 523.

I think it may be here observed, that this author relates this passage of the royal revenue, in the same year in which the laws of *William I.* and feudal services were established, *viz.* anno 1070, the fourth year of the conqueror's reign, which began in the year 1066. *Fontescue De dom. reg. & polit. c. 11. Op. post. p. 179.* therefore had some reason to say, that the King of *England*, at first, had the greatest revenue of any prince in *Europe*. Of this revenue, speaking of the article of *terra regis*, in *Domesday*, Sir *Robert Cotton* says, that our forefathers thought it impious to alienate it.

And

Coll. of
oaths, p. 1.

Lib. 3. c. 6.
ff. c.

Lib. 1. c. 8.

Lib. 1. c.
17. ff. 17.
Lib. 2. c. 5.

Cap. de
Douns.

Quæsti.
Illust. 1.

And as to the question, whether it was so, or not? The reader must judge, according as he thinks it either a good or bad consequence, to say, that what was part of the coronation-oath, was also part of the law; and that was anciently to this purpose, “That he shall keep all
“the lands, honours, and dignities, righteous and free of
“the crown of *England*, in all manner holy, without
“any manner of minishments, and the rights of the
“crown hurt, decay, or loss, to his power shall call a-
“gain into the ancient estate.” Which doctrine agrees with all our ancient lawyers: For *Eleta* upon this occasion relates, that all the princes of *Europe*, in the fourth year of our *Edward I.* bound themselves in a solemn meeting at *Mont-Pellier*, to revoke all grants which had been made of their crown lands. Which story (though it is by *Selden* demonstrated to be impossible to have happened) does yet strongly shew the sentiments of that author.
“Res quidem coronæ sunt antiqua maneria regia, homagia,
“libertates, et hujusmodi, quæ cum alienantur, Rex ea
“revocare tenetur, secundum provisionem omnium re-
“gum christianorum, apud Montem-Pessoloniam, anno
“regni regis Edvardi filii regis Henrici quarto habitam.”
And in another place he expressly affirms the law so to be;
“Antiqua maneria vel jura coronæ annexa, regi non li-
“cebit alienare; sed omnis Rex coronæ suæ alienata revo-
“care tenetur.” And therefore he in another place says, that the officers of the King were sworn never to consent to any alienation. “Item quod nihil consentient alienari, de iis quæ pertinent ad antiquum dominium coronæ regis.” And *Bracton* to the same purpose says, that
“Est res quasi sacra, res fiscalis, quæ dari non potest, nec
“vendi, nec ad alium transferri a principe vel a rege reg-
“nante.” And *Britton*, in the name of *Edward I.* says,
“Rois aussi ne pourront rien aliener en droit de leur co-
“rone, ne de leur royaltè que il ne soit repealable per leur
“successeurs.” But this law was not particular to *Eng-
land*, since it prevailed in all the feudal countries. *Hottoman* affirms it to have been the ancient law of *France*.
“In Gallia quidem nostra Rex sine publico gentis conci-
“lio quod trium ordinum conventus appellatur, nihil nec
“alienare, ac ne oppignorare quidem potest.” It is need-
less to insert more, since I hope my reader will believe it easy, to prove it to have been the law of all other coun-
tries.

As this law is now antiquated, not only in *England*, but in all other nations, what has been said, can relate to the law, only as it stood for about two hundred years after the conquest, during which time, it is agreed, that all our Barons were feudal. But then it obviously follows, that during this time it was not possible for the crown to increase the number of baronies: For all the land of *England*, except what was reserved in demesne, being granted out to be held by different services, as *per baroniam*, *per servitium militis*, &c. the crown had no land to dispose of, but only such as should happen to escheat by the death of any of those grantees, without heirs, or forfeiture, &c. So that, in short, this observation amounts to this, that no *feudal Baron* could be without lands, and that the King had no lands to grant but demesne, and that they being by law unalienable, it was only the power of regranting escheats that was in the crown; which is exactly consonant to the *Feudal Law*, as expressed by *Molinaeus*, who, after asserting that a King could not alienate his demesne lands, adds, “*Feuda, subfeuda, et alia quæ cunque immobilia ab eodem dominio dependentia, quæ ad regem jure confiscationis vel commissi deferuntur, possunt libere per eum alienari et in perpetuum concedi.*”

Tit. de feod.
S. 43. n.
184.

Upon this occasion it will illustrate what has been said, to observe that when lands, which were baronies, escheated into the King's hands, the barony was not dissolved, but subsisted as a *barony in manu regis*, and as such were to be granted over. Lands held in ancient demesne, when they devolved into the King's hands, became frank-free, and as such were accounted for by the fermours. But baronies always retained their name and nature, and as such were accounted for in the *Exchequer*: As for example, “*Wilhelmus le Puher et Hugo Pincerna, i. c. de L. l. & viii s. de firmâ honoris Williemi de Curci de parte illâ quæ est in manu regis.*” So that though the King could not encrease the number of baronies, it sometimes happened that he could the number of *Barons*, by a person's dying without heirs, &c. who was possessed of several baronies, which, in such case, might be granted to several persons.

Mag. Ch.
Joan. Reg.
supra citat.
21. assis. p.
13. Madox
cap. de es-
cheats, &c.
Mag. rot.
19 H. 2.
Rot. 5. a.

3. It may be also farther observed, that *honor* and *barony* were formerly used as synonymous terms. Sir Henry Spelman says, “*Honor igitur ab Anglo-Normannis dictum*”

In verbo.

“*tum*”

“tum videtur, unius cujusque majoris baronis feudale
“patrimonium seu baronia.” And *Gervasus Tilburiensis*
speaking of the manner of accounting for the farms of
escheats, says, that if the land accounted for be a barony,
it ought to be entitled, the account of such an honor.

In cap. de
excedenti-
bus, p. 39.
Morris v.
Smith.

“Verum dum in manu regis, de hoc sic scribetur in an-
“nali; ille vicecomes reddit compotem, de firma illius
“honoris si baronia est.” Now in *Croke's Elizabeth*, it
is agreed *per cur.* that a manor cannot at this day be made
by the crown; with whom my Lord *Coke* agrees in his dis-
course concerning copyholds, & *alibi*. And in *Croke's*
Carol. it is likewise agreed, that an honor consists of many
manors united together; from whence it follows, that as
the crown cannot create a manor, so likewise it cannot
create an honor, and consequently no power but that of
the King in Parliament can create a barony. Consistent
with which notion of the law, *Henry VIII.* who cannot
justly be suspected of being a prince willing to diminish his
prerogative, did derive his exercise of this power from an
act of Parliament; for in 31 *Hen. VIII.* the King's own
manor of *Hampton Court*, was by act of Parliament made
an honor; by which act the manors of *Byflete* and *Wey-*
bridge in com. Sur. and several other manors, are made part
and parcel of that honor. So likewise in 33 *Hen. VIII.*
other acts to the same purpose passed in favour of the ma-
nors of *Amptbil* and *Grafton*, by which they were made
honors. And I believe that no instance can be given from
the conquest unto this day, of any honor's being erected
otherwise than in Parliament.

Seagood ver.
Hone & ux.

Cap. 5.

Coke 12
rep.
Countess of
Salop's case.

But to conclude this point of *feudal Barons*, I shall
lastly observe, that by intendment of the ancient common
law, every Baron was feudal, and many of their privileges
were founded upon that supposition. As for instance,
their persons are free from arrests at the suit of a subject,
nor will a *capias* or *exigent*, &c. lie against them. The
plain reason of which privilege is, that the law supposes
them to be of fortunes sufficient to answer all demands,
which intendment of the law does seem obviously to be
founded upon their being considered in law as feudal, and
that consequently there would be always upon their *de-*
mesnes, &c. of their baronies, sufficient to distrain for the
satisfaction of any debt. Another privilege is, that they
are not liable to serve on juries. But the writ for their
discharge does suppose every person, who claims the bene-
fit

Regis Bar.
179. b.

fit of it, to be an actual Baron, since it begins, "Rex, &c. Quia barones regni nostri, &c." And accordingly the Judges did anciently suppose every Baron to hold *per baroniam*, or at least *per partem baronie*. As for instance, in relation to this very point of their being discharged from serving on juries, 22^o Ed. III. "Puis un fut chal' purc' qu' il fut a bannier' et non allocatur car s'il soit a bannier' et ne tient pas per baroni, il fera in l'affise." And at another time, Sir Ralph de Everden brought a writ for his discharge. And Belknap "luy op-⁴⁸ pos' s'il tient per baroni — & s'il avoit tout son temps ven' au Parl' come Baron duist venir. Et il d'it qu'il tient per certain part d'un baroni — il fut discharge." My Lord Coke explains *ne tient pas per baroni*, &c. as if it was necessary, that besides his tenure he ought to be a Lord of Parliament; but it seems probable, that this privilege was not peculiar to an attendance in Parliament, but incident to a tenure *per baroniam*. For although that after the 49 H. III. when the *maiores barones* were separated from the less, no Barons had a right to come to Parliament, but only those to whom writs were directed, yet the lesser Barons did for some time preserve all the other privileges that were incident to their tenure. Of which this is one, and this case is a proof of it; for this Sir Ralph de Everden, who, as the book says, was (*per bon avise*) discharged from serving on the affise, never was a Lord of Parliament, nor does it appear by the lists of summons, that any man of that name was ever summoned to Parliament. This case is the more remarkable, because it is always referred to by the generality of our lawyers, upon a supposition that he was a Lord of Parliament; particularly by Dodderidge, who likewise commits the same error in relation to Theobald de Bordmor, one of the *marcher Barons*, who being impannelled upon a jury claimed this privilege. But no man of that name was ever summoned to Parliament, though in fact he was a Baron, that is, a tenant *per baroniam*; for the truth is, that though every Lord of Parliament was a Baron, yet from the time of Henry III. every Baron was not a Lord of Parliament. And this distinction leads us to the consideration of the second species of Peers, and that is Peers by writ.

The common notion of Barons by writ, is chiefly founded upon the authority of Sir Edward Coke, who does say, that if the King calls any layman to the upper house of Parlia-¹ ¹ Inst. fo. 9. b. and 10. 16. b.

Parliament generally by his writ, that he is thereby, provided he once sits, in consequence of it, created a *Baron* and *Lord of Parliament*, to him and his heirs for ever. I particularly use the word *layman*, because in another place he affirms, that a *layman*, when summoned, was obliged to attend, but that a regular was not, unless he held of the King *per baroniam*.

The number of the *tenants per baroniam*, was not near so numerous as it has been by some imagined (deceived by such expressions as *infinita multitudo baronum, numerosa nobilitas, &c.*) since, as *Matthew Paris* relates, King *Henry III.* when he was at *St. Albans*, caused a list to be made of all the *baronies* in *England*, and they amounted but to the number of two hundred and fifty, according to the Edition of 1571 (though *Cambden's* manuscript, mentioned in his *Britannia*, reads one hundred and fifty) “*Nominavit idem quoque dominus Rex et memoravit omnes Angliæ baronias quarum ei occurrit memoria invenitque ducentas et quinquaginta.*” Now if it be considered, that many of these baronies might escheat into the King's hands, and that many of them might also be in the possession of one nobleman, &c. it does seem very probable, that the number of Lords could not at any time have been greater than it now is. And if it be also considered, that the number of the King's *tenants in capite* in *domesday*, did not (as is abovementioned) exceed seven hundred, and that the greatest part of them held by inferior services, as *Petit Serjeanty*, &c. it will not be reasonable to suppose, there ever could be more than two hundred and fifty *tenants per baroniam*. Which agrees with what appears in the *Rolls* about five or six years after; when writs of summons were sent to all the *Barons* of *England* to attend the King against the *Welch*, *cum equis et armis*; of the temporal *Barons* one hundred and thirty three, and of the spiritual fifty were summoned, *ad habendum servitium suum*. During the time that the baronage subsisted wholly upon a feudal foot, it is obvious that every man who held *per baroniam integram*, had a right to be summoned to the great councils of the nation; but as a great number of them grew weary of their attendance, because of the trouble and expence of their journies, they were in process of time neglected to be summoned. And at last the *Barons* of the ancientest foundation, who had the greatest revenues, and consequently the greatest power,

*

were

4 Inst. p. 44.

Matt. Paris.

Selden - tit.
honor. 592.

were stiled *maiores barones*. For, as has been already observed, the King had a right to grant over all escheated baronies, but as he was not perhaps obliged to grant them upon the same services, it was frequent to reserve more burthensome services, (as *e. g.* a greater number of Knights, &c.) upon the new infeoffment, than the first grantee had been obliged to perform. Which circumstance was likewise common to the *tenants in capite* by knight-service only, as well as to the *tenants per baroniam*. And from hence arose the difference between the *feoda veteris* & *novi feoffamenti*, which are distinguished in the account of the aid *pur fille marier*, that was granted to Henry II. “Regi-
 “naldus de Warrennâ *r. c. de ix. l. & x. s. de militibus* Lib. rub. in
 “honoris de Wurmegai. In *th. l. & 2. e. Idem debet* Scaccar.
 “*xl. d. de novo feoffamento.*” But in order to collect this aid the better, all the King’s *tenants in capite*, by what service soever, were obliged to transmit certificates into the *Exchequer*, of what fiefs they held, which by a general name were called *charta baronum*, though they were not all Barons, as *e. g.* “Charta Albani de Hairun domino
 “suo excellentissimo Henrico regi Angliæ Albanus de
 “Hairun ——— notifico quod in Hertfordscirâ feodum
 “unius militis de veteri feoffamento, de vobis prin-
 “cipaliter teneo, et quod de novo feoffamento nihil
 “habeo.”

But it is not only that the new infeoffed *Barons* were not so rich as those of the ancient date, but the old *Barons*, thinking to aggrandize their dignity, by not suffering the grantees of these escheated baronies to be summoned to Parliament, as *Barons* indifferently with themselves, did in some Parliament (as Mr. Selden judges) that preceded the grand charter, obtain a law, that only the *maiores barones* should be summoned for the future. But indeed this inclination of the greater *Barons*, shewed itself strongly during the reign of King John; in whose great charter, as as printed in *Matt. Paris*, and also in the *French* copy published by Mons. D’Herouall, a clause is inserted to this purpose, “Ad habendum commune concilium regni fa-
 “ciemus summoneri Archiepiscopos, Episcopos, Abbates,
 “comites, et maiores barones regni sigillatim per literas
 “nostras.” Though I think it may be here observed, that this clause is not in that charter of King John, which I have seen under the seal of that King, in the custody of the learned Bishop of Sarum.

And this was the first foundation of *Barons* by writ, as they are now called, though it is plain from what has been said, that the writ was not by these laws made any ways essential to a barony, but only that though they were *Barons*, they should not have a right of appearing among the greater *Barons*, because they were not particularly summoned: So that it was not their barony, but their right of voting in Parliament, that depended upon the writ. But this regulation of the *Peerage*, or *Barons of Parliament*, was not compleated in the reign of King *John*. His son, *Henry III.* (after the entire defeat of the *Barons* at the battle of *Evesham*, thereby putting himself in a condition to treat the greatest part of them as rebels) put the finishing hand to this regulation, which was afterwards observed by *Edward I.* and some of his successors. And here it must be observed, that *Henry III.* did not by his law propose to establish a prerogative of creating any person a *Baron of Parliament*, by his writ, whether he was a *tenant per baroniam* or not. On the contrary, he left the being or not being a *Baron* upon the foot he found it, introducing only this rule for the future, *viz.* That none of the *Barons*, or *tenants per baroniam*, should have voice in Parliament, but those only to whom he should direct a writ of summons; for so are the express words of the manuscript cited by *Cambden*,
 “ Ille enim, Rex scilicet Henricus III. post magnas per-
 “ turbationes et enormes vexationes inter ipsum regem, Si-
 “ monem de Monteforti & alios barones motas & sopitas,
 “ statuit et ordinavit, quod omnes illi comites & barones regni
 “ Angliæ, quibus ipse Rex dignatus est brevia summonitionis di-
 “ rigere, venirent ad Parliamentum suum & non alii, nisi
 “ fortè dominus Rex alia illa brevia eis dirigere voluisset.”
 This law was probably made in the Parliament held 49 *Hen. III.* immediately after the battle of *Evesham*, to which were summoned of the spirituality no less than thirty six Priors, and sixty five Abbots, besides the Bishops, five Deans, and the Master of the temple; but of the temporality not thirty ——— by whom the vanquished *Barons* were forfeited, and their lands seized into the King's hands. But this severity did not quiet the nation, the sufferers being too many to be used with such rigor. The distressed *Barons* again took arms, and the year following compelled the King to agree to a more reasonable composition, by which they were restored to their estates upon the payment

In Britan.

Dictum de
Kenelw.

payment of moderate fines. And accordingly we find, in Rot. cl. 23 the very next writs of summons that are extant, a greater ^{Ed. 1. m.} number of temporal Lords summoned, viz. twelve Earls ^{9. dor.} and fifty three Barons.

Having in this manner explained what, as I apprehend, gave the first occasion for the term of *Barons* by writ, in order to judge more clearly what operation in law this writ could anciently have, it must be considered, that it could not possibly be directed but to three sorts of persons; that is, either to such as were *tenants in capite per baroniam*, or to such as were only *tenants in capite by knight-service*, &c. or else to such as were not the immediate tenants of the crown at all. And as to the first of these, they were obliged to attend, if summoned, and as they were already *Barons* by their tenure, when they were in Parliament, they had undoubtedly, in consequence of their writs, a right to vote in all questions whatsoever, &c. As to the second, they also, by the oath of homage, which every military tenant made to his Lord, were obliged to attend when summoned; but then, when they were in Parliament, it may be doubted, whether they had more than a deliberative voice of counsellors, or, as it is now expressed, whether they were more than as assistants to the house of Lords. And as to the third, they were not by law obliged to obey the writ; but yet, if they voluntarily chose to attend, they, like the second, were, in all probability, no otherwise than as assistants to the house.

As to the first of these three sorts of persons, the question is not so much, whether they were not, after the receipt of their writs, intitled to all the privileges of parliamentary *Barons*, as whether there were, in fact, from the time of *Edward I's* accession, any persons who were *tenants per baroniam*, and yet had not a right to demand a writ of summons to Parliament. *Elsynge* in his manner ^{P. 49.} of holding Parliaments, does observe, and truly, that it appears by the *inquisitiones post mortem*, remaining in the Tower, that very much land was anciently held *per baroniam*, by persons who were never summoned to Parliament; but his remark, that they were therefore never reputed *Barons*, is not well founded, as appears from the above-cited cases of *Sir Ralph de Everden*, and *Theobald de Bordmor*, and the *Cornwalls of Shropshire*, of whom *Sir Henry Spelman* observes, that they were unparliamentary

Barons:

In glos.

Barons : “ Sed villa Burford in com. Salop. reperitur per
 “ inquisitionem capt. anno 40 *Ed. III.* teneri de rege ad
 “ inveniend’ quinque homines pro exercitu Walliæ & per
 “ *servitium baroniæ*, dicunturque inde domini ejus *Barones*
 “ *de Burford* ; sed tamen in Parliamenta non prodeunt.”

Of nobi. p.
86.

I think it needless to add any more ; but from what has been said an answer may be given to Justice *Dodderidge*’s objection, *viz.* That such manors as are *tenure per baroniam*, being aliened to common persons, do not ennoble the purchasers ; for the purchasers were in fact *Barons by tenure*, since no one can doubt, but that their heirs must have paid relief, &c. as such, but then they had no right of coming to Parliament, unless they were summoned by special writ, in virtue of the above-mentioned laws of King *John* and *Henry III.* And the obvious reason why, in a few years after *Henry III.* we hear no more of these unparliamentary *Barons*, is because that those of them, who had not interest sufficient to be summoned to Parliament as *Barons* (wisely preferring a share in the legislature of their country to the empty title of a Lord without it) chose rather to mix themselves silently with the other commissioners of their respective counties, thereby hoping, when the knowledge of their tenure was something lost, to get into Parliament in the house of Commons. —

During the first period of time, therefore, all *Peerages* or *Baronies* were feudal ; and even the officary titles, as of Lord High Steward, Earl Marshal of *England*, &c. though by *Dodderidge* they are reckoned to be of a species by themselves, were also feudal. Nor is there any instance of any person’s being summoned to Parliament, and acting as a Lord of Parliament, as High Steward, or Marshal simply, but those offices were always either annexed (when they were hereditary) to fiefs, or else were bestowed on persons who were tenants of the crown *per baroniam*, and might therefore have been summoned to Parliament, tho’ they had never had those offices. As for instance, the office of High Steward was, as my Lord *Coke* says, annexed to the barony of *Hinckley*, which was parcel of the county of *Leicester* ; that is, as he explains it, the county and barony were held, by the farther service of executing the office of High Steward of *England* ; as appears from a manuscript which he mentions, though he quotes nothing out of it, entitled, *Officium senescalli Angliæ* ; the passage to which

4 Inst.

Bibl. Cot.
sub effi.Vesp. B. 7.
fol. 99. b.

which he refers, I suppose, is this, “ *Modus quo modo & quam officio uti debet, ut tenetur per servitium & per sacramentum homagii, & fidelitatis suæ, talis est.*”

Having in this manner explained that first condition of men, whom the King had an undoubted power to summon to his Parliament, and who, when they appeared, enjoyed all the rights of parliamentary *Barons*; it follows in order to speak of those, who, though they were not *Barons by tenure*, yet by reason of their being *tenants in capite by knight-service*, were obliged to attend, when summoned: But as the pretensions of these persons to the full rights of *Peerage*, are founded upon the same bottom, with those other persons, who, though they were summoned, were yet under no obligation to appear, unless they voluntarily thought fit so to do; it may perhaps shorten this discourse, if we consider them both together.

It being agreed, that our nobility not only sit in the house of Lords as *Barons*, but also that none but *Barons* have a right to sit and vote there; and the persons we now speak of, not being *Barons by tenure*, it follows, that they can only be so in virtue of the writ that summons them thither; for as to the *Barons by patent*, it will be necessary to speak of them by themselves. But that the reader may the better judge how the writ can operate so far as to give the person summoned by it the right of *Barons* to them and their heirs, it will be proper here to insert the writ itself. “ *Rex, &c. N. de N. Chivalier, quia de advisamento et assensu concilii nostri, pro quibusdam arduis & urgentibus negotiis statum & defensionem regni nostri Angliæ concernentibus, quoddam Parliamentum nostrum apud Westmon’ die proximo futuro teneri ordinavimus, & ibidem vobiscum, ac cum Prælatiis, magnatibus & proceribus dicti regni nostri colloquium habere & tractatum: Vobis in fide & ligeanciâ quibus nobis tenemini, firmiter injungendo mandamus, quod consideratis dictorum negotiorum arduitate, & periculis imminentibus, cessante excusatione quacunque, dictis die & loco personaliter interfitis nobiscum, ac cum Prælatiis, magnatibus ac proceribus supradictis, super dictis negotiis tractaturi, vestrumque consilium impensuri, & hoc, sicut nos & honorem nostrum, ac expeditionem negotiorum*”

“ tiorum prædictorum diligitis, nullatenus omittatis, teste,
“ &c.”

P. 91.

It has been already mentioned to have been Sir *Edward Coke's* opinion, that a *Peerage* was gained to a man and his heirs, by his being summoned by (or at most once appearing in obedience to) this writ. Conformable to which doctrine, Mr. Justice *Dodderidge*, in his treatise of nobility, puts these questions, 1. Whether a barony, upon a man's being once summoned by writ, does descend from the ancestor to the heir ——— And then if to the heir female ——— And then if to the husband of such heir female, during her life. ——— All which he resolves in the affirmative; but for such reasons as, I own, I think do no ways answer the character of the man's learning. I hope the reader will forgive me if, notwithstanding the current opinion to the contrary, I mention some considerations, which perhaps may make him doubt, whether, till within those few years past, the law was so or not.

And first, as to the inheritance, in the honor that is supposed to be gained by it, let any man but look into the writ (that can construe it) and he will find it to be entirely personal to the man to whom it is directed, and that it is so far from creating a *barony* to him and his heirs, that neither the words *Baron*, *Barony*, nor *Heirs*, are to be found in it. It is agreed that the King cannot, by his letters patents, create any man a *Baron* or *Peer*, either for life, in tail, or in fee simple, without express words of creation in the patents for that purpose. Beyond which, in all the patents that have passed since the 20th of *Hen. VIII.* there is not only a special clause inserted for the creating the patentees *Barons*, &c. but also for enabling them and their heirs, according as the limitation is, to hold and possess a seat and place in Parliament. It may not perhaps be unreasonable to think, that it seems equally necessary, that special words of creation ought likewise to be inserted in the writ, or that otherwise the writ cannot operate so as to create a *Baron*: Such as for instance, was practised in the case of Sir *Henry de Bromflete*, who being summoned to Parliament, 27 *Hen. VI.* this clause was inserted in his writ; “ *Volumus enim*
“ *vos et hæredes vestros masculos de corpore vestro legi-*
“ *timè exeuntes Barones de Vescy, existere.*” Now, as this writ has given great surprize to many persons, by rea-
son

son of its being the only writ in which such a clause is to be found; I shall make some observations upon it. It has been already said, that about the 49th or 50th of *Hen. III.* a law was made (and the above-mentioned passage out of *Cambden's* manuscript is quoted by my Lord *Coke*, as an act of Parliament now in force) by which it was enacted, that none of the *tenants per baroniam*, or *Barons*, who had all a right to be summoned before, should for the future have voice in Parliament, but only those that should be summoned by the King's special writ. The consequence of which was, that the neglected *Barones minores* soon mingled themselves with the other Commons of their several counties, and the term *Baron*, in process of time, came to be appropriated only to those *maiores Barones*, who were constantly summoned to Parliament, but yet the tenure of the neglected *Barons* still subsisted. The Peerage of this very Sir *Henry de Bromflete* is an instance and proof of it, since he was one of those who held *per baroniam*, but had been neglected to be summoned to Parliament, as appears by the title of *Vesci*, which he assumed. For *Ivo de Vesci* was one of the *Barons* who were instituted at the conquest, and who had married the daughter and sole heiress of *William Tyson*, a Saxon, who was the son and heir of *Gilbert Tyson*, who was killed on *Harold's* side, in the battle against *William* the conqueror, by which means he became possessed of those lands that were afterwards (upon the additional services being imposed) known by the name of the *Baronies* of *Alnwick* in *Northumberland*, and *Malton* in *Yorkshire*. Now by the genealogy of the *Vescy's* it appears, that the lands and honors of that family, by female heirs, came to vest in one *Gilbert de Aton*; and Sir *Henry de Bromflete* was the son and heir of *Margaret*, daughter and heir of *Anastasia* the wife of Sir *John Saint John*, Knight, who was daughter and heir of *William de Aton*, the son and heir of *Gilbert de Aton*, last mentioned: Which *Gilbert* and *William de Aton* had indeed been both (but not constantly) summoned to Parliament, viz. *Gilbert* was summoned to the Parliaments held 18th of *Ed. II.* to the 1st of *Ed. III.* and to the 16th of *Edward* the third; and *William* was only summoned to the Parliament held 44^o *Edward III.* and never summoned to any other Parliaments: Now Sir *Henry de Bromflete* died in the 8th of *Edward* the

12 Rep. 70.
Ld. Abur-
gavenny's
case.

Dugd. Ba-
ron. Vol.
p. 89.

Vol. 2. p.
234.

Rot. claus.
18 Ed. 2.
dor. m. 21
idem.

1 Ed. 3. p.
1. dor. m.
2. idem 16
Ed. 3. p. 2.

dor. m. 38.
Rot. claus.
45 Ed. 3.
dor. m. 7

IVth, seized (as it appears by the Inquisitions taken) of the above-mentioned lordship or *barony* of *Malton*. As this writ has been hitherto generally supposed to have been an original creation of a new *barony*, I hope this digression will be excused, in order to shew that no barony at all was created by it, but that it was only an exercise of that power, which, as is before said, the King had of calling any *tenant per baroniam* whatsoever to the house of Lords.

Plowd.

333- 4.

Cok. 1.

Rep. 48--

32. 3 Rep.

73, 74,

&c.

2. It is a known rule in law, that the King's grant cannot enure to two intents, especially when one of them is clearly expressed, and the other is not. Now if this writ of summons does create any person a *Baron* or *Peer*, it operates by way of grant, which must be by the implication of an intent, which is not only not expressed, but which is also perfectly foreign to that which is, and which therefore (at least in every thing but this writ) could be in law only intended. For the intention of the King, clearly expressed in the writ, is not to create the person summoned a *Baron*, but only to *consult* and *treat* with him concerning the affairs of the nation, which certainly may be done without his being a *Baron*. "Vobiscum (by which the person summoned seems to be expressly distinguished from the *Prelates* and *Barons* that follow) "Et "cum Prælatibus, magnatibus, &c. colloquium habere et "tractatum." These are the words of the writ, and I must own that I do not comprehend what magic there is in them, to make them perform what no man will pretend to say they signify. And as to the other clause, by which the person is summoned to be personally present, with the King and Lords, "Dictis die et loco personaliter interfutis nobiscum et cum Prælatibus, &c. vestrumque consilium impendend'. &c." The reader must judge, if there is any more force in that than there is in the last. Nor is there any thing more in it than what the Judges, &c. are commanded, and actually do every Parliament; for they, as well as the *Barons* or *Peers*, are constantly summoned *ad consilium impendend'*. Not that I imagine the Judges (who are agreed to be only summoned as assistants to the house) to be *Barons* of Parliament; but only that those who think other persons summoned by writ, to have been anciently considered as *Barons* of Parliament, would reflect and determine with themselves, which part of the writ it is that made them so: For if it was the first part of

of the writ, that runs, "*Vobiscum ac cum praelatis, magnatibus & proceribus, &c.*" that created them *Barons*; how comes it that the Judges are not likewise *Barons*? Since in the 49th of *Henry VI.* 12th of *Edward IV.* 22d of *Edward IV.* and indeed in almost all their writs of summons to Parliament, that clause is inserted. And as to the second clause, that runs, "*Quod, &c. personaliter interfutis, &c.*" that also is common to the *Judges*, as well as the *Barons*. My Lord *Coke* does, in several places, observe, that the writ of summons to Parliament is unalterable, otherwise than by authority of Parliament, though (perhaps if it was worth while) it might be shewn, that till within this last two hundred and fifty years, there scarcely ever was two of them together alike. And indeed he himself, upon another occasion, does seem to be sensible of it; for he says, that one of the differences between the writs to the *Lords* and the writs to the *Judges*, was, that That to the *Lords* did run, "*Quod — intersutis nobiscum ac cum cæteris praelatis, magnatibus, &c.*" and was peculiar to the *Lords*, the *Judges* being only summoned, "*Quod intersutis nobiscum ac cum cæteris de concilio nostro;*" and yet that word *cæteris* is not in the writ, which in the Lord *Abergavenny's* case he himself commends as excellently well drawn. But however, if it be this second clause that creates them *Barons*, why then in the 24th of *Edward the III.* *William de Shareshall*, and twelve other persons, of whom four were but Serjeants at law, were created *Barons*; for their writ, directly contrary to my Lord *Coke's* assertion, runs in that stile which he says is peculiar to the *Lords* of Parliament. Others have thought that the putting in or leaving out of the word *cæteris* was the peculiar mark of distinction. And yet in the 25th of *Edward the Ist.* the *Judges* were summoned by directly the same writ that the *Barons* of Parliament were. And on the other hand, by a writ of pro- rogation, in the 33d year of *Edward the Ist.* as also by a following writ of summons in the same year, &c. it appears that the *Bishops* and temporal *Lords* were summoned by writs that ran, "*Quod — intersutis nobiscum ac cum cæteris de concilio nostro.*" But to conclude this point, I shall only add some few instances in several reigns, of the *Judges* and *Barons* of Parliament being summoned by the very same writs. In the 1st of *Ed. II.* after the writs to the *Barons*, the same writs follow to a-

4 Inst. 10.
et alibi.

4 Inst. 4.

12 Rep.

Ve. sum-
mon. ad
Parliam.

Rot. Claus.
25 Ed. 1.
dor.

Rot. claus.
33 Ed. 1. m.
9, 10.

Rot. claus.
1 Ed. 2. dor.
m. 11.

bove

bove thirty other persons as assistants, with this difference only, that the words, “*in fide & homagio* (as at this day they are constantly done) are left out, and the note at the end of it is remarkable; *Nota quod in hac summonitione* one *Iustitiarum ac alii de concilio domini regis, intermixti tunc cum baronibus.*” And likewise in the 5, 8, 9, 11, 12, 13, 14th of *Edward II.* the same writs are directed to both *Judges* and *Barons*, so likewise in the 2, 3, 4, 5, 6, 11th, &c. of *Edward III.* the same writs are directed to both *Judges* and *Barons*; I could add many more instances, but I think it needless. And now if the direction of the writ created *Barons*, these gentlemen were all made such, yet the same men were at other times summoned as the *Judges* are now to be, but as *de concilio regis in Parlamento.* It is true, however, that from the 47th of *Edward III.* the writs to the *Barons* and *Judges* have been generally different, though sometimes they have been the same; but then the difference is so small, as to words of creation, that I believe it would be very difficult for any man to shew how one should create a *Peer* or *Baron*, and the other should not. And from the instances I have mentioned, I think it appears, that the *Barons* is perfectly distinct from the writ of summons; for if it is not, why are not those persons ranked among the *Barons*. Since no reason could be given, why the same writ should make one man a *Baron* and not another.

3. It has been already observed, that my Lord *Coke* affirms, that if the King does by writ summon a layman to the house of Lords, he cannot refuse the service; but that if he called an Abbot, or any other regular, he could refuse to serve, unless he held *per baroniam*. But yet the reason of the law seems to be the same in the case of a layman, as of an Abbot, &c. for every writ mandatory, as a writ of summons to Parliament is, supposes the person to whom it is directed, to be under an obligation to obey it. I am sensible that here it may be objected, there is no fear of any man’s disobedience, and in modern practice it is certainly true; but then it is as true, that the law is not founded upon modern usage, but upon ancient custom, when men were not so ambitious of being *Barons* as they now are, but were often, upon their own request, discharged from any service of that nature. And therefore, if a layman, who holds not *per baroniam*, be as much at liberty

liberty to refuse his attendance as a regular, it follows, that the direction of a writ to him, does not make either him or his heirs *Barons* or Lords of Parliament. It is true, that if a man accepts of a patent by which he is created a *Baron*, he, by his own voluntary acceptance, becomes obliged for the future to attend, in obedience to all writs that shall be directed to him. But what makes this observation somewhat stronger, is, that every Lord, who being summoned, absents himself without the King's leave, is liable to be fined, which it is unreasonable to suppose he can be, unless he be under a legal obligation to obey the writ. The only reason my Lord *Coke* gives for a regular's not being obliged to obey the writ, is, because he does not hold *per baroniam*, which seems to be equally strong in the case of a layman. The Abbot of St. *James's Northampton*, being summoned in the 12th of *Edward* the II^d. petitioned to be discharged, upon a suggestion that he was not a *tenant per baroniam*, the words are, "Non tenet *per baroniam nec de rege in capite sed tantum in puram et perpetuam Eleemosynam, et nec ipse Abbas nec predecessores sui fuerunt ad Parliamentum citati hucusque. Unde petit remedium et habuit.*" But here it may be observed, that this passage justifies what I before said, that not only the *tenants per baroniam*, but also the other *tenants in capite*, &c. were obliged to attend in Parliament when summoned; and therefore this Abbot excuses himself, as well upon the account of *nul tenure en chief*, as *nul tenure per baroni*. Again, in the 26th year of *Edw. III.* the Abbot of *Leicester* was, by patent under the great seal, upon his petition and suggestion, that he was not a *tenant per baroniam*, discharged from all attendance in Parliament: The patent is, *per petitionem de Parlamento*; and first recites as follows, "Supplicavit nobis Abbas de *Leicestria* ut cum ——— aliquas terras vel tenementa de nobis *per baroniam*, seu alio modo non teneat per quod ad Parliamentum seu concilia nostra venire teneatur ——— Nolentes ipsum Abbatem indebite sic vexari, concessimus quod idem Abbas, &c. de veniendo ad Parliamentum, &c. quieti sint et exonerati in perpetuum." Now these two persons being, upon this only account, discharged from their attendance in Parliament, and the obliging them to attend being stiled an *undue vexation*, because they did not hold *per baroniam*, seems in some measure to be a proof, the reason in both cases being the

Selden's tit. of honor.

Rot. Parl. 26 Ed. 3. p. 2. m. 22.

same, that neither a lay nor religious person are obliged to attend in obedience to the writ, unless they are *tenants per baroniam*. But farther, this patent to the Abbot of *Leicester*, shews how there came to be so many clergy summoned to the Parliament of the 49th of *Hen. III.* as before-mentioned, and yet not above one third of them, either then or afterwards, were really *Barons* of Parliament. It is before said, that those who were not *tenants per baroniam*, or by *knight-service*, &c. might refuse to attend, unless they voluntarily thought fit so to do. And accordingly it follows in this patent, by way of reason why the then summons of the predecessor of the Abbot of *Leicester* should not bind him, that he was voluntarily summoned. “ Quo anno (scil 49 *H. 3.*) omnes Ab-
 “ bates et Priores regni nostri Angliæ ad Parliamentum
 “ ejusdem proavi nostri tunc tantum voluntariè summoni-
 “ ti fuerunt.”

4. But that the reader may the better judge, how far the direction of a writ of summons, to any man who was not a *tenant per baroniam*, could be thought to create him a *Baron* of Parliament, either for life, or to him and his heirs, &c. I shall mention a few particulars that appear upon view of the writs of summons that are extant. If it be true that every man, though he be not a *Baron* either by tenure or patent, ought, upon the receipt of his writ, to enjoy the dignity and honour of a *Baron*, how is it that so many Abbots and Priors as were summoned 49 *Henry III.* were never reckoned among the spiritual *Barons*? Nor can I think it a sufficient answer to say, that though they were *Barons*, yet as *volenti non fit injuria*, their *baronies* were, by their own consent, defeated and taken away; since according to a late resolution of the house of Lords, though a *Peerage* may be forfeited, it cannot by any other act whatsoever (but by an act of Parliament) be either surrendered, defeated or extinguished. But I shall not insist upon what was done during the most confused part of *Henry the IIIrd's* reign. In the 18th of *Edward II.* writs were directed to the Archdeacon of *Nor-thampton*, and to the Dean of the arches, *London*, &c. who therefore, according to this rule, ought to have been reckoned among the spiritual *Barons* of the kingdom, tho' no writs were, for aught appears, ever directed to them afterwards. The like instances might be given in the cases of guardians of the spiritualties of vacant Bishopricks, Vicars gene-

Visc. Pur-
beck's case.

Rot. clauf.
13 Ed. 2.
dor. 5.

general, &c. who have been frequently summoned to Parliament by these creating writs, without its being ever suspected that they were thereby created *Barons*, either for life or otherwise.

But my Lord Chief Justice *Coke* farther informs us, ^{4 Inst.} that every temporal Lord who sits in the house, ought, *ex debito justitiæ*, to have a writ of summons directed to him every Parliament. Nor can they therefore by law, either with or without their consents, be ever left out of the list of summons: And the Lords have, in all ages, resented any omission of that nature as the highest breach of their privileges. As in the year 1255, the *Barons* refused to grant any aid, or to transact any business, because all the *Barons* were not summoned according to the tenor of *Magna Charta*. “ Quod omnes tunc temporis non
“ fuerunt juxtà tenorem Magnæ Chartæ suæ vocati. Et ^{Matth. Paris.}
“ ideo sine paribus suis tunc absentibus, nullum volue-
“ runt tunc responsum dare vel auxilium concedere vel
“ præstare.” And it was frequent in subsequent Parliaments, to prorogue or adjourn for some short time, at the beginning of a session, in order to give time to such members of either house as were absent to arrive, before they would enter into any business. I think I need not quote precedents for what is so generally known: every reader will doubtless believe it natural, that each house should concern itself for its own members; but what is more, the Commons, when they have thought the house of Lords too thin, though the *Peers* acquiesced themselves, have yet refused to proceed on business, till all those writs of summons, which of right ought to have been sent to the Lords, were actually issued. As for instance, in the 20th ^{Rot. Parl.}
of *Richard II.* the Commons, before they would enter up- ^{20 Ric. 2.}
on the business proposed to them by the Lord Chancellor, ^{n. 8.}
in the King’s name, petitioned that all the absent Bishops and Lords might be sent for to Parliament: And of later times, in the cases of the Earls of *Arundel* and *Bristol*, ^{Russw. Co.}
upon their confinement, the house of Lords adjourned themselves from day to day, with a resolution not to enter upon any business till they had satisfaction in relation to those two *Peers*. Now if it be admitted for truth, that the direction of a writ of summons to any person creates him a *Peer* to him and his heirs, and that every *Peer* has a right to demand a writ of summons to every Parliament; it follows that every man to whom such a writ

writ was ever directed, was thereby created a *Baron* to him and his heirs, who had consequently a right to demand their writs of summons. And yet if the lists of the names of those who have been summoned to Parliament be considered, it will not be very easy to conceive how the notion of a writ's creating a *peerage* in *fee* ever came into the world: For from the 49th of *Henry III.* to the 23d of *Edward IV.* from which time the summons have been more regular) not fewer than ninety-eight laymen have been summoned to Parliament one single time, by the very same writs by which the Earls, and the other undoubted *Barons*, were summoned, and yet neither themselves, nor any of their name or posterity, were ever afterwards summoned to any Parliament or great council. Now is it possible, if these gentlemen had, by their being thus once summoned, gained a *peerage* in *fee*, that the house of Lords, so justly jealous of its liberties, and so constantly ready to vindicate the rights of any one of its injured members, should pass over in silence the omission in all future writs of summons of so many rightful *Barons*? And is it conceivable, that so many *Barons*, and their respective heirs, should never complain of such an injury, nor ever put in a claim to their *unextinguishable baronies*? What therefore can be concluded from such facts? ——— If their writs did not create them *Barons*, they could only be summoned as assistants to the house of Lords, and as *de concilio regis in Parlamento*.

But here it will be useful to recollect what has been before observed, *viz.* That the whole of parliamentary business may be reduced under the two general heads of *Advice* and *Consent*. Every *tenant by knight-service*, as well as *per baroniam*, did owe homage to the Lord of whom he held his lands; and the oath of homage did comprehend in it, that the tenant was obliged to give to his Lord the best counsel and advice he was able, and also that he should keep secret all such counsels as should be communicated to him, which, by the way, is one reason why all *fiefs* were originally masculine, and could not descend to the heirs female. “Hoc autem notandum est, quod licet *filiæ*, ut masculi, patribus succedant, legibus tamen a *successione feudi* removentur.” Of which law *Zafius*, a very considerable feudal writer, affirms the reason to be, that by intendment of law a woman was incapable of keeping a secret, and therefore could not succeed to a *fief*.

Now

Now the *tenants in capite* of the crown, who were obliged to swear homage, were either tenants *per comitatum, baroniam, &c.* or by *knight-service*, and who, by virtue of their homage (as is before said) were equally obliged to attend when summoned to Parliament: The difference therefore that there was between them, arose from the difference of their tenure; and as they could not be *Peers* to each other, by reason that they were not *per idem servitium convassalli*, it seems reasonable to conclude, that their business and rights in Parliament were different. In matters of meer advice to the King, the *tenants per baroniam*, and by *knight-service*, might act indifferently together; but when any thing was demanded of the *Barons properly such*, I cannot but think the *tenants by knight-service* acted only as counsel to the King, to advise him in the management of his affairs; since it seems to be absurd to imagine, that in cases like that of 13 *Edw. III.* when the *Barons* granted the tythe of the grain, &c. growing upon the demesne of their *baronies*, the *Barons* would suffer the King to call by writ a posse of tenants by knight-service, or other persons who were no ways concerned in the payment, to vote a tax upon others, who held *per baroniam*.

In other affairs likewise which might be mentioned, wherein the *Barons* acted as the *regalis curia regis Angliæ*, it seems reasonable to believe, that those tenants by knight-service only, &c. who by writ were summoned to Parliament, were considered only (as the Judges at this day are) as counsellors to the King and *Barons*. If what I have now said be thought true, in relation to the tenants by knight-service, who were obliged to attend when summoned, it is much more so in relation to the third species of men, who could be only *voluntariè summoniti*; but before I proceed any farther, I shall shortly examine whether the facts of parliamentary history will answer to this notion.

And first, to reflect only upon what has been already said: This seems to be the only way of accounting for the *Barons* or Lords having never taken exceptions to the King's summoning so great a number of men only once to serve in Parliament, and then omitting them and their heirs for ever after; which it is impossible should not have been done, had the persons summoned been thereby really created *Barons*. But upon consideration of the lists
of

of summons this farther remark may be made, that these persons were always treated exactly in the same manner as the Judges and Serjeants were, who were yet never suspected by virtue of their writs to have been created *Barons*. And as to them every one knows, that they were never anciently, either regularly or constantly, summoned; the King always, by special writs, summoning only such and so many of them, whose counsel and advice he thought fit to use: And therefore it sometimes happened, that if the King had no great opinion of their capacities, or thought the advice of other people might be more useful to his affairs, he would neglect them all. As for instance, *Edw. I.* in the 28th year of his reign, though he did not neglect his Judges, yet writs were directed to the two universities, commanding them to send some of their best civilians to advise the King in Parliament; “*Rex, &c. Cancellar’ et universitat’ Oxon’ vobis mandamus, &c. Quod quatuor vel quinque de discretioribus et in jure scripto magis expertis universitat’ prædict’ ad Parliamentum nostrum apud Lincoln’ mittatis, &c.*” But however as the Judges and those other persons, who were summoned only as assistants to the King and Lords in Parliament, never pretended that, because the same writs were sometimes directed to them as to the *Barons*, therefore they were thereby created *Barons*: The Lords never concerned themselves at their being, according to the King’s pleasure, sometimes summoned to Parliament, and at other times totally left out; since as those men, by not being actually *Barons*, had not a right of voting among them in matters of *Consent* (as, *e. g.* in grants of aids, alterations of laws, &c.) the Lords were no ways interested, and therefore could not attempt to interpose in relation to such persons as the King thought fit to summon, to advise and consult with, as to his granting or not granting the royal assent to any thing that might be proposed to him in Parliament.

Now if we see other persons summoned in the same manner as the Judges were, or if possible in a worse, that is, at the distance of several years, and several Parliaments one from the other, and this without any complaint of their being thus either summoned or left out, is it not reasonable to conclude, that their business likewise in Parliament was only as assistants, in the same manner as the Judges are by all allowed to be? For during the same period

Rot. claus.
28 Ed. 1.
dors. 3.

riod of time which we last mentioned, that is, from 42 *Hen. III.* to 23 *Ed. IV.* there were no less than fifty persons summoned in that manner by general writs, and their names listed (as frequently the names of the Judges were) among the temporal *Barons*: As for example, *William de Aldeburghe*, *Nicholas de Stapleton*, and many other persons who might be named, were summoned to several Parliaments, by special writs, not immediately succeeding each other, but at a distance of years, during which many Parliaments had intervened, to which neither of them had been summoned, and then at last totally left out, and none of their posterity have been ever summoned since. *William de Aldeburghe* was summoned to the Parliaments held *annis* 44, 49, 50 of *Edward III.* but was omitted in the Parliaments of 45, 46, & iterum 46 & 47 of *Edward III.* And *Nicholas de Stapleton* (whose father had been indeed summoned 6 and 7 *Edward II.* and died in the eighth year of that King's reign, leaving his son of full age) was yet never summoned to Parliament till 16 *Edward III.* and dying in the seventeenth left his son *Miles* of full age, who however was not summoned to Parliament till the 32 *Edward III.* (It seems *Dugdale* could not find the bundle of this year, since in his summons to Parliament he makes this note, *nullæ summonitiones in annis*, 32 & 33) and then was never summoned more, though he lived until 47 *Edward III.* nor any of his posterity, though he left heirs. So likewise *John Strivelin* was summoned, as *Dugdale* says in his baronage, from the 16th to the 44th of *Edward III.* inclusive; but in fact, according to his own lists of summons, he was only summoned in *annis* 16, 37, 38, 39, 42 & 44 *Edward III.* I think it needless to incumber the reader with more cases to this purpose, since every man, upon once looking upon the lists of summons, may observe numbers of them.

Dug. Bar.
Vol. 1. p. 70.

From all these particulars therefore, and much more that might be added, it seems reasonable to believe, that as the King's writ to the Judges did not constitute either them or their heirs *Peers* or *Barons*, either for life or otherwise, unless they were such as were *tenants per baroniam*, and had been neglected, as being *inter barones minores*, as is before observed. But what has now been said will not appear so surprizing, if it be considered, that the Judges did formerly make a much greater figure in Parliament than they now do; for when the Commons con-

tented themselves with petitioning, and the Lords with answering; leaving it to the Judges to draw their petitions and answers into the form of statutes, they were in some measure concerned in the legislature of the kingdom. Many particulars might be mentioned upon this occasion, but I for shortness omit them; though however it ought to be observed, that it is very difficult from old books, which mention the transactions in Parliament, and the names of the persons mostly concerned (though doubtless it was well known at the time of action) at this time to distinguish the real *Barons*, from those who were only as assistants in Parliament: And besides, it was usual formerly, when any matter was under consideration in the house of Lords, to commit it indifferently to any persons who were summoned to the house, without distinguishing who were, or who were not *Barons*. The modelling or contriving a bill, &c. in Parliament being altogether matter of advice, was therefore common to all who, like the Judges, were by the clause *vestrumque consilium impensuri*, summoned to give counsel and advice to the King: But then, as I think, when they came to resolve upon the bill's, &c. passing, which is purely matter of *consent*, none had the right of voting but those who were actually *Barons*. The usage at this day is, for the house of Lords to refer business, by order, to the Judges, who report to the house their opinion concerning it; but formerly the Judges have been made joint-committees with the Lords, and that so late as the reign of Queen *Elizabeth*; for 26 Jan. 1563, the bill against forging evidences, &c. was committed to the Archbishop of *York*, the Duke of *Norfolk*, the Marquess of *Northampton*, &c. to the Chief Justice of the *Queen's Bench*, the Chief Baron of the *Exchequer*, and to the Queen's Solicitor. On the 28th of *March* following the like case again happened; and indeed it was very frequently practised in all her Parliaments, until the 39th year of her reign, from which time, though I cannot pretend to tell the reason, it has been disused. Now, according to the notions and practices of the present age, did we not certainly know how things stood in the reign of Queen *Elizabeth*, we should, without hesitation, conclude all joint-committees to be *Peers*, and therefore we ought much less, when the question is concerning much more ancient times, and of which no journal books are extant, to fancy that all men who were summoned by writ

Journal
Dom' Proc.
1563.

writ to Parliament were equally Peers of the kingdom, when in fact, some who were summoned by those writs, are agreed never to have been thought such: And therefore, if it be true, that if the writ makes one man a *Baron*, it must also make every man so to whom it is directed, and that being manifestly not true in respect to the Judges, &c. it from thence follows, that a *barony* is something distinct from the writ, and that can only be *tenure per baroniam*.

But lastly, that we may not too long insist upon these *Barons* by writ, it shall be observed, that though the common notion is otherwise, yet even modern practice has not been so inconsistent with what has been before explained, as is generally imagined. But here it will be proper to take notice, that a distinction must at this day be made between the persons to whom these writs are directed; for they are either to the elder sons of Peers, who are summoned by the title of some *barony* actually in the father, or else they are directed to Commoners, who have no right of succession to any peerage whatsoever. And as to the last of these persons, there is no doubt but that if the writ does any thing, it must operate by way of creation; but as to the first, even as the law is now supposed to stand, some doubt may be made of it. Every *Peer* in the house of Lords has precedence according to the seniority of his creation, now it is obvious, that if the writ does in both cases equally operate by way of creation, that then the eldest son of a *Peer*, as well as any other Commoner, when he is by writ summoned to Parliament, would be the *puisne Baron*, and would consequently give place to all others, yet the usage of the house of Lords is contrary; for if the eldest son of a *Peer* be summoned by writ, it is generally by the stile of some *barony* that is in his father; and his place in the house is regulated according to the antiquity of that *barony*: As for instance, suppose the eldest son of a Duke of *Norfolk* be summoned by the title of Lord *Mowbray*, his place on the *Barons* bench is that of the ancient *Barons* of *Mowbray*; and accordingly in the lists of summons of the 32d of *Charles II.* *Henry Howard*, Lord *Mowbray*, is placed as the first *Baron* of *England*, which is in such case supposed, by the consent of the father, to be vested in the son: The writ of summons therefore seems not so much to be considered as the creation of a *Baron*, but only as

Journal
Dem' Prov.

an *instrument of conveyance*, or method of transferring a *barony* or *honor* from one person to another ; for if it is not so, what reason can be given, why the eldest son of one Earl, summoned by the style of his father's *barony*, shall have precedence according to the rank and antiquity of that *barony* ? And that the eldest son of another Earl, if he be by patent created to a title or *barony* foreign to his family, shall be considered as the youngest *Baron*, and take his place in the house accordingly. I speak, and I think every man ought, with great submission upon this subject : but, if I mistake not, the law even at this day is, that though the last of these persons takes a *barony* in fee, or otherwise, according to the limitation of it, yet the first, upon whom the writ operates only by way of instrument or conveyance, has no other title in the *barony* than his father had, from whom it was conveyed ; and therefore if the father has only an *estayle*, *tayle*, &c. in the *barony*, the estate of the son, though summoned by writ, is not enlarged, nor made a *fee*, and descendible to his heirs general. Now it cannot be pretended, as I have sometimes heard, that as the eldest son of a Duke, &c. does out of Parliament take place of a *Baron*, when he is summoned to Parliament, the *Barons* for that reason yield precedence to him in the house ; for if that was the case, he would likewise in Parliament take place of all the *Viscounts* and *Earls*, which is never done ; according to the resolution 6 *Hen. VIII.* in the case of the Earl of *Surry*, who pretending to take place in Parliament above all the *Earls*, as son to the Duke of *Norfolk*, it was resolved, that he should be ranked only according to the time of his being created Earl of *Surry*. If the writ was therefore to be considered as creatory of a new *barony*, it seems more than probable, that a like resolution would have been taken for ranking the person summoned among the *Barons*, according to the time of his creation : Which not being done, manifestly shews the writ to be no more than an instrument of conveyance ; for there can be no more reason for the eldest son of a Duke's taking place of the *Barons*, when he is created a *Baron*, than there is for his taking place of the *Earls*, when he is created an Earl.

When therefore the eldest son of a nobleman is summoned to the house of Peers by the title of his father's *barony*, there is not a new *barony* created ; but by the operation of the writ, according to the custom of Parliament,

ment, which is part of the law of the land, the *barony* of the father is transferred to the son : From whence, if this notion be true, it evidently appears, that the number of *Barons* in fee is not near so large, as it has been by some late writers represented to be, upon an imagination that the eldest sons of *Peers*, when they are by writ summoned to Parliament, by the stile of their fathers *baronies*, do thereby gain an estate in fee-simple in the honor, so as to make it descendible to their heirs general, and that consequently their peerages are not so liable to be extinguished as they were before. But here it will not be improper to obviate an objection that may be made, *viz.* That since all the *Peers* are agreed to sit and vote in the house only as *Barons*, the writ cannot operate by way of conveyance of the father's *barony* to the son ; because that if it did, the father would have no *Barony* left whereby he could be intitled to sit in the house, and that therefore the writ must operate by way of creation. In answer to which it must be observed, that a distinction is to be made between the writ's being directed to the eldest son of an Earl, &c. and to the eldest son of a *Baron* ; for, as I take it, though an Earl be possessed of only one *barony*, yet may his eldest son be summoned by that title, and the father still retain in himself all the rights of *barony* : But a *Baron* must regularly have several *baronies* centering in him, to enable his eldest son to be called by writ, because that in such case, though one of them be transferred to the son, yet a *barony* does still actually remain in the father. That *earldoms* as well as *baronies* were originally feudal, is certain ; and every tenure *per comitatum*, was to a tenure *per baroniam*, exactly as a tenure *per baroniam* was to *knight-service* ; and therefore as every tenure *per baroniam* was a tenure by *knight-service* and more, so likewise was a tenure *per comitatum* a tenure *per baroniam* and more, that is, as a tenure *per baroniam* implied *knight-service*, a tenure *per comitatum* did imply *barony* : From whence a reason may be gathered of this difference ; for though the single (perhaps) *Barony* of an Earl be transferred to the son, yet the earldom, which implies a *barony*, still remains in the father ; and so was it understood in antiquity, since the word *honor*, which as is before observed was synonymous to *barony*, was in the same feudal sense applied to earldoms, with this only distinction, that it was called *comitalis honor*, as appears from this, that in

the old charters for the creation of Earls, besides the annuity which was to be paid to them *nomine comitatus*, it was frequent to add a clause, to enable them to hold a great part of their estates *sub comitali honore*; by which those lands became, as it were, parcel of their earldoms, which was the best way of entailing, since thereby they became like their *honors*, unalienable by their heirs. As for instance, not to multiply precedents, in the patent that passed for creating *Henry Piercy*, Earl of *Northumberland*, this clause is inserted, after the grant of twenty

Rot. Ch. 1. pounds *nomine comitatus*; “ Et quod omnia Castra, &c.
R. 2. n. 31. “ quæ ——— Jure hæreditario vel acquisitione propriâ

“ perantea tenuit & possedit, vel imposterum est habitu-

“ rus sub *honore comitali*, et tanquam parcellæ dicti co-

“ mitatus teneantur, &c.” But farther, the practice has

been conformable to this notion, though, by the way, it

may be observed, that this practice is not of a very old

date, since the first instance of it was, if I am not much

deceived, in the 22d of *Edw. IV.* in favour of *Thomas*

Arundel, eldest son to *Richard Fitz-Alan*, Earl of *Arun-*

del, who was summoned to Parliament by the name of

Lord *Maltravers*; and in his case, which perhaps was the

foundation of their after usage, he is not placed as junior *Bar-*

ron upon the lists of summons, but between the Lords *Zouch*

and *Dacre* of *Gillesland*; but as they were not then

probably so nice in entering the names of the *Peers* as they

have been of later times, I shall not offer to infer any thing

from it. The summoning of the eldest sons of Earls by

writ is so common, that it is needless to mention any of

them; but the eldest sons of *Barons* have very rarely had

that honor, there being, I believe, but two who were ever

summoned by writ, both whose fathers, at the same time,

had in them several *baronies*; the first of whom was *Will.*

Parker, the eldest son of *Edward Lord Morley* and *Monte-*

gle, by the name of Lord *Montegle*, and in the lists of sum-

mons he is placed between the Lords *Darcie de Darcie*, and

Sandys de Vyne: The second was *Coniers Darcie*, eldest son

of the Lord *Darcie*, *Meynell*, and *Conyers*, by the name of

Lord *Darcie*, and was upon his first summons, which was

anno 32 Caroli II. I suppose through mistake, placed as

junior *Baron* upon the list; but in the Parliament of 1 *Jac.*

II. that error is amended, for he is then entered between

the Lords *Stourton* and *Cromwell*.

As

Summ. 1.
Jac. Re. 1.

As to the Commoners, to whom writs have likewise been directed, unless they were some of the before-mentioned neglected *Barons by tenure*, there is no doubt but their writs, if they became *Peers* in consequence of them, must have operated by way of creation: But then it strongly appears, that that method has not been much esteemed; for, as I believe it is now above a hundred years since any man was made a *Peer* by that means; and as to those who are supposed to have been created *Barons* by writ before that time, it must be observed, that all the ancient writs of summons did constantly run, “in fide et homagio quibus nobis tenemini;” as *Dugdale* and all other authors agree: But during the time that phrase was used, my Lord *Coke* and Sir *Henry Spelman* both assert the persons summoned to Parliament as *Peers*, to have been undoubtedly *Barons* only by *tenure*; and therefore if that observation be allowed to be true, it demonstrably follows, that there could not possibly be any *Barons* by writ, in the sense the term is now used, before the 25th of *Edward III.* since all the writs antecedent to that time, have that phrase regularly inserted in them: Though if we consider what has been before observed, that homage was equally incident to a *tenure per baroniam*, and by common *knight-service*, and therefore the writ might, with the same propriety, be directed to them both, it manifestly appears, that the direction of such a writ to any man, does not prove him to be a *Baron* at all, since it only supposes him to be a *tenant in capite* by one of the above-mentioned services: And as to what my Lord Chief Justice *Coke* farther observes, that the reason of changing that clause into the other of *in fide et ligeancia*, was, because the greatest part of the persons summoned after the 25th of *Edw. III.* were not tenants *per baroniam*, I cannot but doubt the truth of it, since I believe no man can shew that ever any man was summoned to Parliament by writ, from the 49th of *Hen. III.* until the 1st of *Hen. VII.* who was not a *tenant per baroniam*, or at least *in capite* by *knight-service*, and consequently the phrase *in fide & homagio*, was as applicable to every man who was summoned after the 25th of *Edward III.* as it was before.

But indeed, after that time, the phrases seem to have been used indifferently, and as if they were synonymous to each other; for sometimes the one phrase and some-

times the other, are to be found in writs directed to persons, who were undoubtedly *Barons by tenure*. And then farther, since that time frequent homages for *dutchie*s, *earldoms*, and *baronies* are upon record, to have been done by persons, who were at other times summoned by the phrase, *in fide & ligeanciâ*. The ceremony of it is kept up unto this day, when upon a coronation, the *Peers*, in a body, are said to do homage to the King; though the Bishops are now the only persons who regularly do it upon livery of their temporalities, before they are admitted into the house of Lords.

Having in this manner, as fully as the limits prescribed to this discourse would permit, expressed my thoughts concerning *Barons* or *Peers*, both by *tenure* and by *writ*; it will be necessary, before I can proceed to the consideration of *Peers by patent*, to premise something concerning that prerogative, which the crown has sometimes claimed, not only of summoning those persons to Parliament, as its council, who were *tenants in capite by knight-service*, once or twice, and then neglecting them for the future, but also of summoning, in the same manner, those who were actually *tenants per baroniam*, sometimes to one Parliament, and sometimes to another, and leaving them out of the lists of summons afterwards, whenever the King thought convenient.

It has been already observed, that attendance in Parliament, was originally to be in a great measure considered, as a service incident to the tenure of lands; and that upon the defeat of the *Barons* at *Evesham*, a law was made by which no *Baron* had a right to come to Parliament, unless he was summoned by particular writ; which, as it was the occasion of what was afterwards called *barony by writ*, so likewise the practice, which was for some time afterwards used in summoning the *Barons* to Parliament, was probably the cause of introducing *Barons by patent*. The clause in the above-mentioned *Magna-Charta* of King *John*, is, “Ad habendum commune concilium regni, “faciemus summoneri Archiepiscopos, Episcopos, Abba- “tes, & majores Barones regni sigillatim per litteras no- “stras.” In which it is observable, that though the Archbishops, Bishops, Abbots and Earls, are enacted to be constantly summoned to Parliament, yet the summoning of the *Barons* was left in some uncertainty, by reason of its not being determined who should, or who should not

not be comprehended within the term of *majores Barones*, which uncertainty was perhaps the foundation of those disputes that afterwards happened between the King and the *Barons*, upon account that all the *majores Barones* were not summoned. But however this dispute, if the manuscript author before cited out of *Camden* be to be depended on, was by the success of *Henry* the III^d's arms, determined very much to the advantage of the crown, as appears by the words before transcribed: By which (statute as my Lord *Coke* calls it) it was enacted, that no *Earls* or *Barons* indefinitely should come to Parliament, but only those to whom the King should direct particular writs of summons; by which law it was pretended, that the determination of who were, or who were not, to be reckoned *inter majores barones*, was left absolutely in the power of the crown. But the King's successors, to *Henry* III. carried it yet farther, explaining by it the charter of King *John*, and claiming a power to summon, *ad arbitrium*, any *tenant per baroniam* to Parliament, without being by law obliged to summon him to any future Parliament; and the writ accordingly, as is before observed, contains no words in it, by which it was anciently understood that the person summoned was created a *parliamentary Baron* for life, and much less to him and his heirs. Thus *Henry Peverell* is upon the lists, as being once summoned to Parliament in the 32^d of *Edward* III. and was Dor. 14. apud
never summoned again, though there were no less than four Prynce.
of that name, who before the 49th of *Henry* III. were *tenants per baroniam*; so likewise *John de Vesci* was summoned *inter majores barones* 49^o *Henry* III. (and whose *barony* by *tenure* is before-mentioned to have descended to Sir *Henry de Bromflete*) but whether he was ever summoned again, is uncertain, by reason the rolls of summons until his death, which was in the 17th of *Edward* the 1st, are lost; however his brother and heir *William*, though forty years of age at the death of *John*, was not summoned until the 23^d of *Edward* I. and was then not summoned again until the 6th of *Edward* II. &c. Many instances of this nature might be added, but these are sufficient to let the reader see, that the King not only claimed, but also practised this prerogative: But then it must be considered, that the least considerable of the *Barons* were always the subjects of it; for there is no instance of any *Earls* being ever omitted, nor indeed any very considerable *Baron*.
And

And they, as they were the only persons who could distress the King (being sure so long as their power continued of being summoned themselves) never concerned themselves to remedy or redress the injuries done to persons of less consequence, until they also began to be affected. And as for the others, they would not complain, since, during the first and middle ages of our monarchy, and before that methods were found out to make men think a long and expensive attendance worth their while, the privilege of attending now and then in Parliament, was not, nor could it be, thought by a man of a small income, to be a sufficient equivalent, for the burthen of those other services that were incident to a *tenure per baroniam*.

Cap. 4.

The humor of our *English* gentlemen is certainly very much changed from what it anciently was; since formerly, men were so far from being fond of coming to Parliament, that even those who were actually summoned, and by virtue of their being *tenants in capite per baroniam*, were obliged to attend, did so frequently absent themselves, that it was found necessary to pass an act of Parliament, more effectually to force people to attend in obedience to their summons: And therefore it is enacted by the 5th of *Richard* the II^d. “ That if any person, which from
“ henceforth shall have the said summons, be he Archbishop,
“ op, Bishop, Abbot, Prior, Duke, Earl, or Baron,
“ &c. do absent himself ——— he shall be amerced, and
“ otherwise punished, &c.” It is no wonder therefore that it was common for persons, who were not considerable enough to dispute with the crown, upon their being either inserted or left out of the writs of summons to Parliament, or who, though they might be summoned, were not, upon other accounts, very desirous of that honor, to do all that lay in their power, to suppress so much as the very knowledge of their being *tenants in capite per baroniam*. For those *tenants per baroniam*, who were never summoned to Parliament, as they were (as is before-mentioned) entitled to all the privileges of *Barons*, as, *e. g.* exemption from serving on juries, &c. so likewise were they bound to the performance of all *baronial* services whatsoever, excepting only that of attendance in Parliament.

It is known that the relief of *earldoms* and *baronies*, was uncertain until the time of the grand charter; as
appears

appears from *Glanvil*, “Dicitur rationabile relevium ali-
 “cujus juxta consuetudinem regni de feodo unius militis
 “C. solid. — de baroniis vero nihil certum statutum est.”

Mag. Chart.
 c. 2. l. 9.
 c. 4.

But yet notwithstanding that by the charter of *Henry III.*
 the relief of an Earl was settled at one hundred pounds,
 and the relief of a *Baron* at one hundred marks; after
 that time the *Barons* did frequently pay their reliefs at one
 hundred pounds. As for example, in the case of *William*

Longspeye, son and heir of *Ydonea*, a tenant *per baroniam*,

“Et postea scrutatis Rotulis de Scaccario inveniebatur

Mem. in.
 Scacc. 40 H.
 3. Rot. 12.

“quod prædicta Ydonea tenuit de rege in capite duas

“baronias——Et ideo consideratum est per barones,

“quod prædictus Willielmus respondeat domino regi de

“200 lib. pro relevio suo.” Now the payment of this

relief was common to all the tenants *per baroniam* (who

were consequently all equally *Barons* within the charter

of *Henry the III.*) without distinction, whether they were

summoned to Parliament or not. But that it may not

be said this hundred Pound relief paid by *William Longespey*,

was in the confused time of *Henry the III.* I add, that

in the reign of *Edward the Ist.* our *English Justinian*, as

he is called by my Lord Chief Justice *Coke*, the like re-

lief, contrary to the express terms of *Magna Charta*, was

paid, “Robertus filius Walteri qui habet in uxorem Der-

Mich. com-
 munia, 14
 Ed. 1.

“vorgullam unam filiarum et hæredum Johannis de Burgo

“filii et hæredis Hawisæ de Launvaley, quæ de rege te-

Rot. 1. a.
 in bund. 13
 & 14 Ed. 1.

“nuit in capite per baroniam, dat regi quinquaginta li-

“bras pro relevio suo de medietate baroniæ prædictæ.”

But this last case does not only prove, that in the reign

of *Edward the Ist.* one hundred pound was paid for re-

lief instead of one hundred marks, but also that it was paid

by persons who were not, at least regularly, summoned to

Parliament; for this *Robert Fitz-Walter* was not summon-

ed until the 23d of *Edward the Ist.* that is nine years af-

ter the payment: Since in the year preceding, viz. the

22d of *Edward the Ist.* his name is not to be found upon

the list of summons.

I believe I need not multiply precedents to prove this

point, since the reader will only believe, that though the

King was willing enough not to be troubled with more of

them in Parliament, than such as he should think fit parti-

cularly to summon by writ, that yet he was not inclined

to release to those tenants *per baroniam*, whom he did not

summon, any part of their other baronial services, nor,

much

much less, to relinquish any method which the crown was possessed of, for raising money from them. As it would swell this discourse to too great a length, I wave the entering into the detail of those reasons, which might engage all those *tenants per baroniam*, who had no prospect of being regularly summoned to Parliament, *inter barones majores*, or who, if they were now and then summoned, the very attendance even in Parliament was a burthen to them, to desire the extinguishment of so much as the knowledge of their being *tenants per baroniam*, and to be consequently delivered from all those burthensome services that were incident to that tenure ———

As this prerogative therefore which the King exercised of summoning a man as a *Baron*, for two or three Parliaments, and then, *ad arbitrium*, to leave him out of the lists of summons for the future; inclined the indigent, and every way *minores barones*, to get rid of their *tenure per baroniam*; so on the other hand it engaged the *Barons* of better fortunes, and more powerful families, to think of some method to prevent their being neglected, and to engage the crown in such a manner as that, without disputing the legality of the above-mentioned prerogative, the King might be under a legal necessity of constantly summoning them to all Parliaments: And this perhaps was the first original of patents; which they understood to be, as it were, in the nature of a recognition upon record on the part of the crown, of their being *inter majores barones*, and that consequently they had a right to be constantly summoned to all Parliaments. But however, as this is a speculation that I can only mention as probable, having not seen facts sufficient to enable me to evince the truth of it, I shall not now say more of it; but proceed to what I think more certain in relation to our *Barons* by *patent*.

And under this head likewise of *Barons* by *patent*, my first enquiry will terminate at the beginning of the reign of *Henry* the VIIth, since it will be necessary for me afterwards, to take some short notice of those alterations, which since his time have been introduced into the *Peerage*; and of which he laid the first foundations, and some of his successors have practised in such a manner as that they have become a grievance. But as to the patents that passed before the accession of *Henry* the VIIth, most of which that are extant, or else attested copies of them, taken

taken from and collated with the records, I have both seen and perused, this preliminary observation and distinction must be made, *viz.* That they are either patents, creating persons, who were *Barons* before, *Viscounts*, or *Earls*, &c. or else they are patents creating persons *Barons*, or *per saltum Viscounts*, or *Earls*, &c. who were perfect *Commoners* before. The reason of which distinction is, that I think a great difference is to be made between those patents, which only grant to a man, who is already a *Peer* or *Baron*, an advancement in the *Peerage*, and those which being made to mere *Commoners* are introductory of new *Peerages*: For the body of the *Peers* are manifestly much more concerned in the last of these than in the first.

It is so long since our nobility has ceased to be feudal, that the very notion of an officary Earl is almost lost in *England*, though yet the privileges of those persons, whose titles are singly owing to their patents, are founded upon the constitution, as it was framed and understood by their feudal predecessors. Now as *Dukes*, *Marquisses*, and *Viscounts*, are but modern titles, in comparison of *Earls* and *Barons*, I shall chiefly consider only the patents by which the two last were created, since the right of creating the others will naturally be determined by the same rules and methods of proceeding, in which the prerogative of making *Earls* and *Barons* was exercised. That an earldom was originally officary and feudal, that is, since the conquest, is certain; and his office by the common law was, as my Lord Coke Nevill's case. says, to be the great conservator of the peace in his country. And as *Barons* and *barony*, so also were *Count* or *Earl*, and *County*, not only correlative terms, but things, nor could one properly subsist without the other. And while *earldoms* were upon this officary foot, as it highly concerned the inhabitants of their respective counties, that they should not too much depend upon the prince, so their fees or salaries were not precarious, nor derived from the good pleasure of the crown, but consisted of the third part of the profits of the pleas, &c. of their counties, to which by common law, and *qua comites*, they were intitled. Nor was it an inconsiderable sum in those times, when, as my Lord Chief Justice *Hale* observes, the business of the county courts Hist. of the law. was not subtracted from them, but fines were there levied, *Post fines, fines pro licentia concordandi, pro inquisitionibus*

nibus habendis, &c. the profits arising from all which, made part of the Sheriffs term *de proficuis comitatus*. Before the conquest, these offices were at most but for term of life, but by the conqueror they were made feudal and hereditary, but without the introduction of any other difference; for the office still continued the same, and if we consider the extant grants of earldoms, that passed during a long time after his reign, we shall find that the *tertius denarius* was considered in law, as it were essential to the dignity of an Earl.

Earldoms and *Baronies* were by intendment of law, as is before observed out of the mirror of justices, established for the defence of the realm; and the feudal nations had no more notion, after they were formed into a civil government, that a kingdom could subsist without *Earls* and *Barons*, than they had while they were but the body of an army, that their conquests could be carried on, and a proper discipline maintained among them, without general and other subordinate officers: And therefore when any *earldoms* or *baronies* escheated, the King had not only, as is above-mentioned, a right to grant them to other persons, but was, in all probability, under the same necessity and obligation to do it, as, while he was as yet considered but only as a general or commander in chief, he was under, to fill up the vacant commissions of officers in his army. But to return to our officary *earldoms*; the King did not anciently grant *nomen, stolum, et titulum comitis*, but *ipsum comitatum*; by which words the *tertius denarius unde comites erant*, as it is expressed in some old charters, did pass by operation of law, without any express words for the grant of it. But here I think it may be observed, that there are but very few patents (that is not above seventeen or eighteen) extant, antecedent to the 11th of *Edw. III.* all of which are of feudal earldoms; for as yet the creation of *Barons* by patent had not been thought of, but the livery of lands, &c. held *per baroniam*, and the receiving the homage of the tenant, which all together made a ceremony something like the modern *German* investitures, was all that went to the making a *Baron*. The six first of these ancient patents, that is, from the grant of the Empress *Maud* to *Geofroy de Magnavilla*, of the earldom of *Essex*, unto the first of King *John*, have the *tertius denarius* regularly inserted in them; and in particular that of the earldom of *Essex*, has these remarkable words,

words, which make us know, beyond all possibility of doubt, how the law was understood in those times :
 “ Ego Matilda, &c. ——— Do et concedo Gaufredo de Apud Sel.
 “ Magnavilla ——— ut sit comes de Essexiâ, & habeat
 “ *tertium denarium Vice-comitatus de placitis, sicut comes*
 “ *habere debet in comitatu suo, &c.*” King John first introduced another method of creating Earls, though yet he preserved them officary, the only difference that he made relating wholly to the third part of the profits of the counties, which he thought too much to be granted away ; and therefore some little lawyer of that age invented the method of granting ten or twenty pounds *percipiend’ de tertio denario comitatus*, in lieu of it, thereby reserving to himself all the other profits of the county. But then it is remarkable, that in this grant of King John, which was in the first year of his reign, to *Humphry de Bohun* Earl of *Hertford*, there is, as it were, a tacit confession of its not being entirely legal and regular ; for the King, jealous that the law should adjudge his grant of the earldom to be good, and the reservation of the profits to himself void, and that the Earl might notwithstanding be entitled to, and claim the third part of the profits of the county, took collateral security from the Earl, that he should never, in the right of his earldom, claim any thing more than the twenty pounds expressly granted to him in the patent, as appears from the following words recited in the preamble to it ; “ Et ipse nobis chartam suam fecit, quod ipse vel hæ- Rot. Ch.
 “ redes sui nihil clamabunt unquam de nobis vel hæredi- I Jo. p. 2.
 “ bus nostris.” All the rest of the patents, during the n. 177.
 before-mentioned time, are also feudal and officary, and the *tertius denarius* still granted to some ; but by the others it may be observed, that the example set by King John, was thought fit to be imitated by his successors : But yet, after all, that could not well be considered otherwise than as a slight of law ; for even after that time, the opinion of *Earl* and *earldoms* being necessarily relative to one another, continued for some ages in the world ; and therefore the grant of this money, which at this day is called creation-money, was in the old grants so worded, as that it might, if possible, be considered in law *sub ratione tertii denarii* ; for which reason it was made payable out of that third part of the profits of the county, which of right ought to have belonged to the Earl. This it was that made the *comitalis honor* ; though sometimes the patentees would, after that
 * the

the Earls were stripped of their *tertius denarius*, for the better support of their dignity, get their lands to be annexed to and made parcel of it. Till the 11th of *Edward III.* this money was almost constantly made payable out of the profits of the county, of which the patentee was made Earl; as in the patent to *Robert de Ufford*, Earl of *Suffolk*, his grant of twenty pounds is, “*Percipiend’ de exitibus comitat’ pre-* Rot. Ch. 11
Ed. 3. n. 52. “*dict’ sub nomine & honore comitis Suffolciæ;*” but since that time the method, which at last has universally prevailed, is to grant some small annuity for the better support of the dignity, payable at the *Exchequer*. It would be endless to enumerate the various forms that have been used in the creation of this sort of Earls; but the reader, who desires to be more fully informed of it, may consult the learned *Mr. Selden’s* elaborate treatise of *titles of honor*. Besides, it must be observed, that the method used in the creation of the other Earls, &c. who were not so exactly feudal, is much more to the purpose of what we are now speaking.

Vis. Pur-
leck’s case.

It is a known privilege of the Lords, that they are not triable otherwise than by their *Peers*; but there is this remarkable difference between their trial *per Pares* and that of Commoners, that they cannot challenge any of the persons by whom they are to be tried; from whence it seems manifestly to follow, that every single Lord is much more concerned in interest in the creation of a new *Peer*, than he possibly could be in the question, Whether an honor could be surrendered, or not? And yet that question was resolved by the house in the negative, upon consideration that every Lord, and even the whole kingdom, was concerned in the extinguishment by surrender, fine, &c. of every lordship. The admission of all new tenants in any common ordinary manor, was always transacted in the presence of the other tenants of the manor, who anciently had a negative upon every man who was proposed by the Lord to be admitted; which is exactly consonant even to the very text of the feudal law.

Feud. l. 2.
tit. 31.

“*Ad probandam novam investituram semper Pares curiæ sunt necessarii; & si sine eis facta sit investitura, etiam si dominus confiteatur factam: Quia tamen sine hac solemnitate facta est, non valet, etiam si probari possit per breve testatum.*” The reason of which was, that every tenant of a manor was in all feudal controversies,
between

between himself and any other tenant of the same manor, to be bound by the judgment of the tenants of the manor, and therefore was it reasonable, that he should be consulted in the admission of persons who were to be his judges. How far any thing of this nature may be applied to the house of Lords, which is, as before is observed, the great *Court Baron* of the kingdom, I must leave to every reader himself to judge, after that he has perused what will further be added upon this subject.

It is very common for ancient statutes to be in the form of patents ; and in the Prince's case, where this matter is ^{8 Report,} at large explained, it is resolved, that all patents which pass the great seal, and are subscribed *de autoritate Parliamenti*, or *per ipsum regem in Parlamento*, have the full strength and authority of acts of Parliament : Now the resolution of that case being undoubtedly law, I cannot but own myself to have been very much surprized, when, upon inspection of the various creations of *Peers*, that passed between the 11th of *Edward III.* and the 1st of *Henry VII.* I found them, I think, almost all, except some that were grants of escheated feudal honors, and even the most part of them were so also, to have been made and passed by the authority of, and in full Parliament. I believe that, upon this occasion, some of my readers will be as much surprized as I was ; for which reason therefore, and also that they may the better judge, in what manner this prerogative of creating *Peers by patent* was originally exercised, I shall mention some of the most remarkable circumstances that I observed of several patents that were passed in each reign.

In the 11th of *Edward III.* *Henry of Lancaster* was made ^{Rot. Ch. 11} Earl of *Derby*, according to the express words of the patent, ^{Ed. 3. n. 34.} *de definito dicti Parliamenti consilio.* And in the same year ^{Rot. Ch. 11} *William de Clynton* was made Earl of *Huntingdon*, ^{Ed. 3. m. 23.} *William de Bobun* Earl of *Northampton*, *Robert de Ufford* Earl of *Suffolk*, ^{n. 41, 49,} and *Edward* Duke of *Cornwall*, all of them by assent of Parliament, ^{52, 60.} *de assensu & consilio praelatorum, comitum, baronum & aliorum de concilio nostro in presenti Parlamento.*

It is remarkable of *Edward III.* that in order to strengthen his interest, and carry on his design in *France*, he married his daughter *Isabel* to a *French* nobleman, called the *Baron de Coucy*, and had actually treated for the marriage of another with the Sire *de Albret* : Now, after

his marriage, the King even applied to Parliament, to be enabled to make him a *Peer of England*, which could not be, because the *Baron* was a foreigner, since he had a very large estate in land in *England*. But what makes this case the more remarkable, is, that the particular consent of each single Lord was asked, as appears by the following words of the parliament-roll, “ ——— Les
 Rot. Parl. 40 Ed. 3. m. 13. “ Prelatz, Ducs, Counts, Barons, &c. esteantz en la
 “ chambre blanche luez devant eux mesmes les orde-
 “ nances & assents, le Chancellor monstra a les grants
 “ & communes, coment le roy avoit mariez sa fille
 “ Isabelle a seigneur de Coucy, qui avoit belles terres
 “ en Angleterre & aillours, & per cause il estoit si
 “ pres son alliée il feroit seant au roy de luy ———
 “ nomer & faire Counte, & estoit demande a eux leur
 “ avys & assent ; Queux Grauntz chescun per soy, &
 “ les communes de un’ assent, accorderent, &c.” The
 Rot. Ch. 39 & 40. E. 3. n. 12. *Baron* was afterwards made Earl of *Bedford*, but yet by the patent which passed, it would be impossible to discover whether the Parliament had been consulted in it, or not : Upon which account, and some other instances of the like nature, it may not be unreasonable to believe, that all the patents of earldoms, &c. were, during this period of time, passed in Parliament, notwithstanding that there are some few patents passed, in which the Parliament is not mentioned, since, if I am not mistaken, there are not above ten of those to above one hundred of the other sort ; and of those ten, not one during the long reign of *Edw. III.*

In the reign of *Richard II.* above thirty persons were made Dukes, or Earls, “ *De assensu Prælatorum, Du-*
 “ *cum, Comitum, Baronum & communitatis regni in Parlia-*
 “ *mento* ; and what is very remarkable, his uncle *Thomas*,
 Earl of *Woodstocke*, who, in the first year of his reign, had been created Earl of *Bucks* without Parliament, in the 14th year of his reign, had a new patent passed for the same earldom, which is said in the patent to be for the security of his
 Rot. Ch. 14 R. 2. n. 5. said uncle ; “ *Nos pro securitate ipsius avunculi nostri Tho-*
 “ *mæ, &c. ac de assensu & consilio omnium Prælatorum,*
 “ *magnatum & procerum, &c. ——— ac aliorum de consilio*
 “ *nostro ——— necnon ad specialem requisitionem & de as-*
 “ *sensu totius communitatis ejusdem regni nostri in Parlia-*
 “ *mento, &c.*”

In the reign of *Henry IV.* there were but two patents, of which one was to *Thomas of Beaufort*, his brother, creating him Earl of *Dorset*, the other to his son *Thomas of Lancaster*; of the earldom of *Albemarle* and dutchy of *Clarence*; and therefore considering how near those two Princes were related to the crown, it is no ways surprising, that the consent of Parliament is not particularly mentioned in the patents. But here I would observe to the reader, that when I mention any patents wherein the Parliament is not mentioned, all that I can do is, not to affirm them to have been passed in Parliament, since I must own that I think it more than probable, that they were also passed; it often happening, that by the Parliament-rolls it shall appear, many patents were passed in Parliament, in which however no mention is made of the Parliament; so that if the Parliament-roll should happen to be lost, it would be for ever impossible to shew, the Parliament was any ways concerned in the passing them.

The bravest of our Princes have always preserved the best understanding with their Parliaments; and therefore the patents of *Peerage*, which were passed by *Henry V.* (excepting only one patent of restitution to *Henry Piercy* Earl of *Northumberland*, and another of the feudal county of *Richmond* to *John of Lancaster*, "*Castri, comitatus, honoris, & dominii de Richemonde*") were all passed in Parliament; as appears from the entries upon the rolls of Parliament, of which, not to multiply precedents, this is one instance; "*Item fait assavori que nostre tressoverain seigneur le Roy, seiant en Parlement, en la see royalle a la requeste des seigneurs spirituels & temporels, & de ses communes en mesme le Parlement assemblez, creast & presist Johan. de Lancastre, son Frere, en Count de Kendale & Duc de Bedeford, & Humfry de Lancastre, son autre Frere, en Count de Pembroke & Duc de Gloucestre, &c.*" But I cannot quit the reign of *Henry V.* without observing, that this passage out of the rolls does in some measure justify what I have before said, by way of distinction, of *feudal* and *honorary Earldoms*; for it appears, that in the same year in which *Henry V.* by Parliament created his brother Duke of *Gloucester*, he without Parliament granted him the *feudal county of Richemonde*.

In the reign of *Henry VI.* likewise, above twenty patents for the creation of Dukes, Earls, &c. were passed in Parliament; and, as I before observed, that many patents appear by the parliament-rolls to have been passed in Parliament, in which no mention of the Parliament is made; so here it must be observed, that upon the patent-rolls it appears, that many patents were passed in Parliament, of which no mention is made upon the extant rolls of Parliament; which being considered together, seem to make it still more probable, that all patents of this nature were passed *de autoritate Parliamenti*: I could mention a great number of them, was it necessary, which appear not upon the parliament-rolls, which yet are all subscribed, *per breve de privato sigillo & de data prædicta autoritate Parliamenti*.

Rot. Ch. 7
Ed. 4. n. 40.

In *Edward the IVth's* reign also, to conclude this head, there are about a dozen patents of this nature, which, by their subscription, appear to have been passed by authority of Parliament; but what is something remarkable in this reign is, that in one patent, by which *John*, the King's brother's son, was created Earl of *Lincoln*, the Parliament not being concerned in the creation, a clause of *non obstante*, any custom or usage to the contrary (which clause I take to be the first of the kind) is inserted into it.

From what has been now said in relation to the creating of earldoms, &c. I think I need not go about to draw any conclusions, but leave it to every reader to judge what the natural consequence is. Now if this was the case in relation to patents, by which an advancement only in the *Peerage* was granted, it may well be expected, that the same method was also observed in the creating of *Barons*, by which the voters in the house of Lords were increased, and every particular Lord had a new *unchallengeable Judge* imposed upon him. Nor does the practice deceive our expectation, for during all that time, that is, from the 49th of *Henry III.* unto the 1st of *Henry VII.* whatever exception there may be to the contrary as to earldoms, there is not one instance, unless the first be allowed to be so, of a *Baron's* being created by patent otherwise than in Parliament: And indeed it seems reasonable that it should be so; for a *Barony*, as before is observed, was originally founded altogether upon *realty*, and all the dignity and privileges of the

the Lords were derived from their being *tenants per baroniam*: What less therefore, than a patent passed in Parliament, can make a man, who was not a *tenant per baroniam*, be considered in law as if he was; for such was the effect and operation of their *patents*: And the Lords, even unto this day, notwithstanding that all *baronial* services, &c. are by statute taken away, must in a great many particulars be considered as such. But I forbear entering farther into any considerations of this nature, and proceed to give an account of those patents that have been passed for the creation of *Barons*, and the reader will perhaps be again surprized, when I tell him, that during all that time there were but fifteen patents passed for that purpose.

The first person, as every body knows, who was created a *Baron* by patent, was *John de Beauchampe* in 11 ^{Rot. Pat.} 18 Ric. 2. ^{P. 1. m. 12.} *Richard* II. but then it is remarkable, that he never sat in Parliament as *Baron*; though his name is upon the lists of summons to Parliament in the year of his creation, for in that very Parliament he was attainted, as being one of the accomplices of the Earl of *Suffolk*, and Duke of *Ireland*, &c. besides which it is also to be observed, that when his patent passed, *Michael de la Pole* had the keeping of the great seal, and for that reason his patent could never have been allowed in Parliament; for in the Parliament held in the preceding year, the great seal had been taken away from *Michael de la Pole*, and he was declared incapable of ever having it again; and therefore one of the articles against this *John de Beauchampe* was, that he had counselled the King, contrary to the declaration of Parliament, to give the seals again to him, viz. “Item la ou a Darrein Parlement. Rot. Parl. 11 Ric. 2.
“ ——— Michel de la Pole pur diverses causes deshonnestes ——— feust discharge del office de Chancellor &
“ le grant seel de Roy feust pris de luy, les dits (of
“ which *John de Beauchampe* is one) luy fist reavoir le
“ grant seel ——— Quel feust subversion de toute la ley
“ du royaume, &c.” This patent therefore was no other than a vain attempt for the creation of a *Baron*, which never took place; nor was he ever more summoned to Parliament, but in some few years afterwards executed. Another reason also of the animosity the *Barons* shewed against this *John de Beauchampe*, was, his being a confederate with Sir *Nicholas Brembre*, Mayor of

Knighton
inter decem
Scr. p. 2727.

of *London*, in whose favour that weak Prince *Richard* the second had intended to change the name of the city, and to create him Duke of *New Troy*. “Hic si
“vixisset (says *Henry de Knighton*) Dux *Trojae* per re-
“gem factus fuisset. Nam ab antiquo civitas *Londo-*
“nienfis, *Troja minor* vocata est. Et sic Dux de *Lon-*
“doniis esset mutato nomine *Londoniarum* in nomen
“*Trojae*. —

Rot. Pat.
11 H. 6. p.
1. m. 16.

2. The second *Baron* who was created by patent, was Sir *John Cornwall*, in whose patent (for the first time at least that I have seen) the phrase of the three states of Parliament is used. “In trium statuum ejus-
“dem Parliamenti praesentia de gratia sua speciali &
“ex certa scientia sua ac de advisamento & consensu
“Ducis *Gloucester* & Cardinalis *Winton* ac caeterorum
“dominorum spiritualium & temporalium in Parlia-
“mento.”

Rot. Pat.
20 H. 6. m.
29.

3. The third was Sir *Ralph Botiller*, who was created *Baron of Sudley*. “De advisamento concilii nostri,
“&c.” And the patent was passed, “Per breve de pri-
“vato sigillo & de data praedict. autoritate Parliamenti.”

Rot. Parl.
20 H. 6. n.
10.

4. In the Parliament-roll of the 20th of *Henry* the sixth, there is a *Memorandum* of the King's having also created the above-mentioned Sir *John Cornwall*, *Baron of Milbroke*. “De advisamento & consensu dominorum, &c. creavimus,
“&c. in baronem indigenam regni sui Angliae per nomen,
“&c. *Baronis de Milbroke*.”

Rot. Cart.
21 & 22 H.
6. n. 23.

5. The fifth was in favour of *John Talbot*, son of the Earl of *Salop* by *Margaret* his second wife, eldest daughter and co-heiress of *Richard* Earl of *Warwick*, by *Elizabeth* his wife, the daughter and heir of *Margaret* (the wife of *Thomas* Lord *Berkeley*) who was the daughter and heir of *Warin* Lord *Lisle*. The patent is *per breve de privato sigillo & de autoritate Parliamenti*, and is to this purpose, “Nos
“nedum praemissa ——— verumetiam qualiter praefatus
“*Warinus* & omnes antecessores sui ratione domini & ma-
“nerii praedict. (ff. *Kingeston Lisle* in com. *Berkes*) no-
“men & dignitatem baronis & domini de *Lisle* a tempore
“quo memoria hominum non existit, obtinuerunt & habu-
“erunt, ipse & omnes successores sui ab eodem tempore per
“hujusmodi nomen loca & sessiones & alias praeminentias
“in Parliamenti, & conciliis regiis ut caeteri *Barones* reg-
“ni Angliae a toto tempore praedicto habuerunt & obtinu-
“erunt. —

“Ne

“ Ne propter temporis prolixitatem aut successione variationem, aliove modo, de hujusmodi stylo, nomine, & dignitate dubitari posset.——” And then reciting, that the said *barony* or manor of *Kingston-Lisle*, was, by the consent of his mother, in the possession of the said *John Talbot*, it follows, “ Ad removendum omnem dubitationis scrupulum ipsum, &c. creamus, &c.” It is to be observed, that this *barony* was altogether feudal, and therefore, considering what has been before said, the reason why the authority of Parliament was wanting in this case, may possibly be, that, his mother being then alive, the *barony* was actually in her, and could not be transferred to the son otherwise than by Parliament.

6. The sixth was Sir *John Beauchampe*, who by patent was created *Baron Beauchampe*, of *Bowych*. Rot. Pat.
25 H. 6. p.
7. The seventh was Sir *John Stourton*, who was created *Baron Stourton*. 2. m. 33.
Rot. Pat.
26 H. 6. p.
8. The eighth was Sir *Thomas Hoo*, by the name of *Baron Hoo*, de *Hastyng*. 2. m. 6.
ibid. m. 23.
9. The ninth was Sir *Richard Wydville*, by the name of *Baron and Lord Ryvers*. ibid. m. 4.
10. The tenth was Sir *Thomas Grey*, by the name of *Baron of Richmond Grey*. Rot. Cart.
28 H. 6. n.
11. The eleventh was Sir *Thomas Percy*, by the stile of *Baron of Egremont*. 35.
Rot. Pat.
28 H. 6. p.
12. The twelfth was Sir *Richard Fenys*, who in the right of his wife *Johanna*, daughter and heir of *Thomas*, the eldest son and heir of the Lord *Dacre*, is declared, &c. Lord *Dacre*. 1. m. 10.
Rot. Pat.
37 H. 6. p.
13. The thirteenth was Sir *Humphry Stafford*, by the name of *Baron Southwyke*. 1. m. 20.
Rot. Pat.
4 Ed. 4. p.
14. The fourteenth was Sir *Walter Blount*, by the name of Lord *Mountjoy*. 1. m. 17.
Rot. Pat.
5 Ed. 4. p.
15. The fifteenth was Sir *Edward Grey*, who in the right of his wife, the sister and heir of the before-mentioned *John Lord Talbot*, was declared Lord *Lisle*. 1. m. 6.
15 Ed. 4.

I believe these were all the patents for *baronies* that were passed before the first of *Henry* the seventh, and they all passed *per breve de privato sigillo & de auctoritate Parliamenti*, and consequently had all of them the force of acts of Parliament. It is likewise farther to be observed, that in every one of those patents, except two or three, there are words which either expressly, or

by the strongest implication, imply a right to demand a writ of summons to all future Parliaments. Since the middle of the reign of *Henry the VIIIth.* a particular clause has been constantly inserted for this purpose, “*Dictus A. B. & hæ-
“ redes, &c. & eorum quilibet habeat teneat & possideat
“ sedem, locum & vocem in Parliamentis, publicis comitiis
“ & consiliis nostris, &c. inter alios Barones, ut Barones
“ Parliamentorum, &c.*” The constant use of this or the like clause, which is almost as old as the creation of *Barons* by patent itself, does in some measure justify what I before observed in relation to *Barons by tenure, viz.* that though every Lord of Parliament was a *Baron*, yet every *Baron* was not a Lord of Parliament; but what farther evinces that for some time, even after *Henry the VIIth.* the notion prevailed, or rather still continued, that a seat in Parliament was perfectly distinct from *barony*, is, that if a man was by patent created a *Baron* without a clause in it, granting him a seat and voice in Parliament, he had not a right to demand a writ of summons. At least two such *baronies* have been by patent created, one by *Henry the VIIIth.* by name *Robert Curson*, who had before been created a *Baron* of the empire by the Emperor *Maximilian*; the other by King *James the first*, whose name was *Thomas Arundel*, and who likewise had been created a *Baron* of the empire. These two gentlemen seem to have been pretty much in the case of the above-mentioned *Barones minores*; they were *Barons* to all intents and purposes, and wanted nothing but a writ to make them Lords of Parliament.

I believe it no ways necessary to make any particular remarks, upon the patents of *honor* that were passed during the reigns of *Henry the seventh* and eighth, *Edward the sixth*, *Queen Mary*, and *Queen Elizabeth*: Since every one knows, that from the reign of *Henry the seventh*, the crown has got ground in this respect, and gone on still more and more to exercise the prerogative of creating *Peers*. It is notorious that in Parliament, each branch of the legislature are possessed of what may be called *Peculiars*: That is, that laws of a particular nature do not regularly, nor according to the established course of parliamentary proceedings, take their rise or commencement, but in one house or the other, according to the tendency of the bill proposed. Thus, for instance,

stance, a money-bill, a bill for regulating elections, &c. always begins in the house of Commons, and, on the other hand, bills relating particularly to the *Peers*, as for instance, the now depending bill of *Peerage*, &c. are as constantly begun in the house of Lords: And acts of grace, general pardon, &c. do with the same regularity always receive their first beginning from the crown. Which method of proceeding does in no wise abridge or limit the power of refusing the bill proposed, which is, and always must be in the other branches of the legislature. I have taken notice of these particulars, because from what has been before said, upon the subject of *patents* for *baronies*, constantly passing in Parliament, it seems not an unlikely supposition, that during the time those parliamentary patents were the constant usage, that they were of the nature of acts of grace, that is, that though they could be proposed but only by the King, as the fountain of honor, yet the Lords had perhaps a negative upon all patents of that nature, just as they now have upon all acts of grace. The reader must judge how far the present custom of all patents being first read in the house of Lords, before the patentees are admitted to act as *Barons*, does seem to favour the notion. But if the Lords ever had such a right, I own myself ignorant of any law by which they could have lost it. It is true, however, that they have not for more than this hundred years exercised it; (and with whatever intention several *Peers* may possibly have been created) by their admitting of all new created *Peers* into their house, they have consented as a body to their *Peerage*, and actually given them a parliamentary right and title to their honors.

The greatest change that ever happened in the constitution of *England*, was in the reign of *Henry* the seventh: Nor is there any stronger instance of the truth of that maxim, that *Power is really founded upon and inseparably follows property*. For before the reign of that Prince, the balance of power against the crown was in the Lords; and it cannot be well disputed, but that the crown had anciently as unlimited a power to erect *boroughs*, as to create *Peers*. And therefore it is, that until his time, the Lords did not suffer the prerogative of creating *Barons* to be exercised otherwise than in Parliament, though, at the same time, they were not very unwilling

unwilling the crown should create *boroughs*, which the Commons had not always strength enough to hinder, and which, by being frequently situated upon the lands of the Lords, were no inconsiderable increase of their power : But since that reign, the Lords having been set at full liberty to alienate their estates, power has, with the possession of land, shifted itself to the Commons, and accordingly they have been ever since the only formidable curb upon the crown. Until the end of Queen *Elizabeth's* reign, though the prerogative of creating *Peers* still grew, yet, as it was not exercised in a manner any thing gross, it was not complained of ; but *James I.* finished the power of the Commons, by parting with his fee-farm rents, court of wards, &c. Lords he created innumerable, and some boroughs ; but the crown soon found it convenient to quit that practice ; and now the Commons (just as the Lords did, with relation to *Peerages*, while the *Barons* were feudal) begin openly to dispute the power of creating *boroughs* ; and I believe every reader will agree, that if a borough was now to be erected, its members would find it pretty hard to gain admission into the house of Commons.

But to conclude this inquiry, it must be observed, that in every reign, since that of *James I.* there have unhappily been perpetual disputes between the crown and the people, concerning the bounds of liberty and prerogative ; and therefore, to an impartial considerer of the constitution, it will seem reasonable in a question, relating to the *constitution as such*, to examine how it was understood before his accession ; a view of which, so far as it relates to the *Peerage*, I have endeavoured as fully as I was able to present to the reader : And as for what has happened since the accession of *James I.* in relation to the numerous creation of *Peers*, I shall only add, that it has been complained of in every reign. It was an article against the great Duke of *Buckingham*, the powerful favourite of two Kings ; and by several protests in the journals of the house of Lords, during the reign of *Charles II.* it is manifest, that the increase of the *Peerage* was by them then thought a grievance ; and every man remembers, that the last instance of the abuse of this prerogative was, by the now sitting house of Commons, made an article of impeachment against the present Earl of *Oxford*.

A

S P E E C H

Made in the

House of Commons,

Against the REPEALING the

TRIENNIAL ACT.

By ARCHIBALD HUTCHESON, Esq;

Mr. SPEAKER,

I CANNOT content myself in the great question now before you, to deliver my opinion barely by voting in it; for I think it of that importance to the nation, to deserve and need the most thorough examination. I heartily wish it might have had a much longer time of consideration, than I perceive gentlemen are disposed to give it; but since we are entered on the debate of it, I shall endeavour to express my thoughts about it with great plainness and freedom.

My present opinion, Sir, according to the best judgment I am able to form, is, That if we should give our consent to the passing of the bill before us into a law, we should be guilty of the most notorious *breach* of the *trust* reposed in us, by those who sent us hither, and should make a very dangerous step towards the *undermining* of that constitution, which our ancestors have been so careful to preserve, and thought no expence, either of blood or treasure, too much for that purpose, and under which we do yet enjoy those privileges and advantages, which no other nation in the world can at this day boast of.

This

This is the light in which the bill yet appears to me ; and therefore if I did believe what some gentlemen do, That it would be conducive to several good ends, yet that would not be sufficient to gain my consent thereto ; for I cannot think those ends, however desirable, equivalent to such a price, as that of giving up, or even of making a dangerous advance towards the giving up entirely, the BRITISH CONSTITUTION. Much less would I give my consent to such a law, when I am of opinion, That it would be so far from contributing to the ends pretended to be aimed at thereby, that it would have the direct contrary effect : And if we are not *to do evil that good may come of it*, surely we must not *do evil*, only to bring *Mischief* upon ourselves.

These are my reasons against the bill, That our consent to it would be a breach of trust, and a dangerous breach upon our constitution ; and that, if it were not liable to this objection, That yet it would serve to purposes directly contrary to those pretended to be aimed at, by gentlemen who are for the bill ; I shall endeavour to explain myself in these points.

Give me leave therefore to mention, what appears to me to have been the *ancient* constitution of Parliament, and also how the same has been, and stands changed at this time, with relation to the matter which is now the subject of our debate. I believe it will, nay, it must be agreed, That before the reign of *Henry* the eighth, there was no single instance of a *prorogation* of Parliament : That Parliaments had only one sessions, and those generally very short ones, none of which ever lasted a year : That to prevent the mischief of long intervals of Parliament, it was enacted in the fourth year of *Edward* the third, That *Parliaments should be holden annually*, and this was confirmed by subsequent acts of Parliament : And therefore I may venture to affirm, That by the ancient constitution, Parliaments were to be holden frequently, and to be of the continuance only of one sessions, and that there was no right or power in the crown to prorogue the same : I say, this I can affirm, on the same foundation, and with as strong reason, as I can affirm, That the eldest son, after the death of his father, shall inherit, as heir at law, the lands in fee-simple ; or that the youngest son shall inherit, where the custom of *Borough-English* prevails ; or that all the sons shall equally inherit the lands
of

of *Gavel-kind* ; or, indeed, as I can affirm of any part of the common law, or the particular usages of the kingdom ; for these are supported only by constant practice and prescription immemorial ; and they neither need nor can have a stronger support than this ; for surely of all laws, those must be allowed to carry with them the strongest evidence of justice, which have been always submitted to, without any change or alteration.

The application is obvious to the point in debate, I mean as far as the reign of *Henry* the eighth : And if at that time this was the constitution of Parliament, it will not be easy to shew how the same has been since legally changed ; but I shall speak to this more fully, after I have answered an objection which has been made. It has been said, “ That it is no proof that the crown had no
“ power to prorogue Parliaments, and to continue the
“ same Parliament for several sessions, although there
“ were no instances thereof until the reign of *Henry* the
“ eighth.” If this objection have any weight, it will equally hold against any other part of the common law, which hath hitherto remained uncontested : For may not the younger sons, in this way of reasoning, say, That although there be no instance, that any of them have hitherto claimed to inherit, equally with the eldest, the lands in fee-simple, that yet this is no proof against their right of making such a claim, and having it determined for them. And if such a case should be brought into *Westminster-Hall*, it is evident, that there is no act of Parliament which settles the point, nor any preceding resolution, because the matter was never in question before ; and yet surely no gentleman will affirm, that the judges would be at liberty to determine this as a new case, whatever equity they might conceive in the pretensions of the younger sons, but would be strictly tied to adjudge according to the constant and uninterrupted usage. And had the Lords and Commons, when the first attempt of proroguing was made upon them, insisted, That the crown had no such power, and the opinion of the judges had been required therein, it was impossible that they could have determined otherwise, than according to the constant usage, or that they would have adjudged such an original power in the crown, which had never been exerted, from the earliest mention which our records, or history, make of Parliaments, to that very day ; or that they
could

could have conceived it possible, that the crown could have had such a power, and yet never have asserted it in one single instance, in the course of so many hundred years.

If the facts I have mentioned are, as they appear to me to be undeniably true, the inference I thence make is next to a demonstration ; and I may venture to add, That there is no part of our laws built on a more solid foundation, and supported with stronger reasons : Reasons which must eternally have the greatest weight, and make the deepest impression, on the minds of a people, who have any *sense of liberty* : and, thanks be to God ! we are yet a *free nation*. For without the frequency of Parliaments, the opportunity of redressing those grievances would be lost, which more or less have happened in all reigns, from the influence and *administration* of *evil counsellors*, and *wicked ministers*, who will always prefer their own private interests and sinister views, to the honour of their Prince, and welfare of their country : And it is to the dread which such *impious monsters* have always had, I hope will ever have, of the *just vengeance of a Parliament*, that we hitherto owe the preservation of our liberties ; for, had the times of being called to an account in Parliament been at any considerable distance, the *attempts* of *bold and daring men* would have had no curb ; and indeed it is but one step more, and that not difficult, from a LONG to the entire *disuse* of Parliaments, and resolving the government into an absolute monarchy ; but I will urge this point no farther, because I believe it will be generally allowed ; and that, whatever might be the private opinion of any particular person, no *Briton* will be yet so hardy, as to declare himself against the *necessity of frequent Parliaments*.

I wish gentlemen would as generally concur, that the other part which I have mentioned, and I think have made appear, to have been our ancient constitution, were as absolutely necessary to the preservation of our liberties ; I mean Parliaments of one session, not only *frequent*, but *frequent NEW PARLIAMENTS*. The thing indeed appears very evident to me ; so evident, that in my poor opinion, our liberties would not be more, nay not so precarious under an absolute monarch, as with a house of Commons who had right to sit either for many years together, or without any limitation of time : For 'tis cer-
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tain, that a prince, who had stood only on the bottom of his own absolute authority, assisted with a few ministers and some troops, would still think himself pretty much upon his good behaviour towards the united body of his people; and would (probably) be cautious of exerting his power in such a manner, as to give a just provocation to a general revolt, and setting up another in his stead; but a *Prince*, with a *Parliament at his devotion*, would be infinitely more *terrible*, and, with much greater security, might give a loose to every extravagancy of power; for when the representatives of the people, who are chosen by them to be the *guardians* of their *liberties*, can be prevailed on, for *little advantages* to themselves, to *betray* their trust, and come into all the measures of a *designing ministry*, 'tis then, indeed, that the liberties of a people are in the most imminent danger; and surely, there is great reason to apprehend, that a house of Commons might soon become very obsequious to a ministry, if they were to sit for a long period, or without limitation, and that there were no near day in view of a new election, when the *conduct* of gentlemen in this place, would be enquired into in their respective countries.

I believe it will not be denied, That 'tis very possible for a ministry, by *pensions* and *employments* to some, and by the expectations raised in others, and by the *corruption* of *electors*, and returning officers, to obtain a very great majority, entirely and blindly at their devotion, even at the very first meeting of a Parliament, and that by a *committee of elections* and other proper helps, their party may daily encrease; and that such a Parliament may be so far from protecting the liberties of their country, or from being a terror to evil ministers, as to become themselves the tools of oppression in the hand of such a ministry, and by their authority, to consecrate the worst of actions, to declare every honest patriot, who has the courage to attempt to stem the tide of wickedness, and to stand up for the liberties of his country, to be its greatest enemy; and those who are ready to give it up, to be the only true friends of our constitution; and if this should ever happen to be our case, I beg gentlemen to consider, *Whether a greater curse could fall on any people than to have such a Parliament as THIS entailed upon them.*

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I remember very well, what an outcry was raised against the last Parliament, on a suspicion only, that a repeal of the *Triennial Act* was intended, and the arguments against it without doors, were then the very same with those which are now urged against it within : What an inconsistency must it then appear, to see those very gentlemen, who were then the most zealous opposers of such an attempt, become now the most *violent advocates* for it ? And will it not also in some measure affect their integrity, publickly to own, that the arguments they pretended to be then influenced by, had not the least weight with them ; and that the thing in itself was very desirable, when there should be a good ministry and Parliament in being, and pernicious only in the then situation of affairs ? It was not certainly from this consideration, that the late ministry and Parliament were diverted from the attempt : They, doubtless, had a very good opinion of themselves, and were confirmed therein by the *voice* of a great *majority* of the *people*, and which, by a most strange and unaccountable witchcraft, still continues in their favour, if I may depend upon what several who have argued for the bill seem to have agreed to.

I must beg gentlemen to consider, that the mischief I have mentioned, will be no ways prevented by the present posture of our affairs ; for though we may have now a good ministry and Parliament, their continuance, notwithstanding the intended law, will still depend on the pleasure of the Prince ; for I do not perceive that any gentleman will move for a clause to continue the ministry for life ; or that the Parliament shall not be dissolved without their own consents ; and if, by ill advice to his Majesty, a change should happen, may it not so fall out, that a long continuance of a new ministry and Parliament, may be of infinite prejudice to the nation : Surely, therefore, it will be wisdom, in the making of this, or any other law, not to consider some little present conveniency, but the general and obvious tendency of the same. I therefore think that I am yet warranted to say, and shall say it, till I am convinced that I have mistaken the matter, That *frequent new Parliaments* was the *ancient constitution* ; that until the reign of *Henry* the eighth, there was no stronger evidence for any part of the common law, than there was for this part of our constitution ; and that the same was built, and stands upon
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as solid a foundation as any law ever did, or can do, being absolutely necessary and *essential to the liberties of a free people.*

It is true, *Henry* the eighth, in the 21st year of his reign, prorogued the Parliament, which was the first instance of this kind, and succeeding Princes have, more or less, continued the same practice; but I can in no wise agree, to what some gentlemen would thence infer, That the CROWN HAD ALWAYS A RIGHT TO DO SO; for I think I have made the contrary very evidently appear; and that until the 21st of *Henry* the eighth, no part of our common law was better established than this ancient *English* constitution of frequent new Parliaments; but it is remarkable, that this having been the first instance of a prorogation, it was thought convenient to strengthen the further continuance of that Parliament by adjournment also: If the crown, before the time I have mentioned, had not the power of continuing the same Parliament by prorogations; it will not be easy to shew, how they have come legally by it since: Sure I am, that there is no act of Parliament which vests any such power in the crown, and prescription immemorial is not so much as pretended to. The short of the matter seems to me then no more than this: A very arbitrary Prince, the better to serve the ends he had then in view, boldly invades the liberties of his people, and usurps a new prerogative, unheard of before; That Parliament tamely submits thereto, either out of fear, or for baser reasons; perhaps, they were pleased with a longer continuance, and the agreeable prospect of sharing in the advantages of laws, which they were afterwards to make, I mean, the dissolution of abbies; and although thereby the foundation of our happy reformation was laid, yet that is entirely owing to another cause, and in no wise to the pious intentions, either of that Prince, or of that Parliament. This new prerogative was at first used with much caution, and thereby the fatal tendency thereof was not so soon discovered; and when the possession of this power became strengthened in the crown by a continuance of time, and the acquiescence of the nation, it was much more difficult to get rid of the innovation, than it was at first to have prevented the same; and it has been, I presume, thought more prudent to continue our acquiescence, whilst the inconveniences were in any measure supportable, rather

than to endeavour to retrieve this most valuable part of our ancient constitution by force of arms; although this remedy hath been resorted to frequently, and on much slihter occasions in my opinion.

But I cannot see, that from a power so assumed, and so continued, it will follow, either that the ancient constitution was so, or that it ought to be so at this day; and I must say, that whatever arguments can be brought to support that doctrine, will equally justify the exercise of any other part of arbitrary power; for upon the starting up of any new prerogative, 'tis but saying, That the crown had always a right to it, although it was never claimed or exercised before; and there may be *Parliaments complaisant* enough to acquiesce therein, which perhaps might be ashamed, by a new express law, barefaced and unmasked, to give up the liberties of their country; and I do not see, but that this would be as good a commencement for any new prerogative, as the power of proroguing at first had. Let gentlemen consider, what the ancient laws of *England* were, in the matter of imprisonments, and what the practice was for some time before the act of *Habeas Corpus*. I hope there is no *Briton*, so abandoned to the notions of slavery, as to affirm, that it ever was by the laws of *England*, in the power of the Prince to imprison any of his subjects during his will and pleasure, and without any reasons assigned: They were to be imprisoned only, when legally charged with crimes, and were either to be tried for the same, or released from their imprisonment, in a reasonable time; and as to this, the act of *Habeas Corpus* was not introductive of a new law, but declarative only of the old; this is so essential to the being of a free people, that it must be agreed, that our law was always thus; I am sure, without it, our condition would differ little from the slavery of *Turky*; for the *bow-string* itself, a speedy death, is *mercy*, when compared to a *lingering confinement*. And yet 'tis certain, that before the act of *Habeas Corpus*, the good subjects of *England* were sometimes thus arbitrarily and illegally imprisoned, to gratify the avarice, ambition, malice, or revenge of *evil counsellors* and *wicked ministers*; and the advocates for *prerogative* did as strictly insist on the legality of this power, as they did on any other, which was claimed by the crown. I cannot

not indeed tell how long this power of arbitrary imprisoning had been exercised, but I am apt to believe it may vye for antiquity, with the power of *proroguing Parliaments*.

I must also put gentlemen in mind of the *prerogatives* claimed and exercised by King *James* the second, to dispense with the laws, to command our Bishops and clergy to read in their churches his illegal proclamations, and to suspend and imprison them for disobeying, with many others of the like kind, which are recited by the claim of rights; and 'tis certain, that had we not been rescued by the revolution, all these and many more, had been good prerogatives at this day, and might have been all of them supported with as good arguments, as any can be used for the power of *proroguing* in the reign of *Henry* the eighth; and some of them with as good, nay, with the very same arguments as are used for the legality of the power at this very time. I hope therefore we shall be very cautious of admitting such arguments, as tend naturally to *support all extravagancies of power whatsoever, and to let in upon us an inundation of oppressions*.

In the late reigns, and in particular by the long pensionary Parliament, in the reign of *Charles* the second, the nation became very sensible of the mischievous consequences, which had already happened, and the more fatal which might still result, from the dangerous breach which had been made in our ancient constitution: It was now evident to the meanest capacity, That a designing Prince, who, with the assistance of a wicked ministry, should be able, after several trials, at last to procure a Parliament to his purpose, would have the liberties of his people entirely in his power, and might govern them at pleasure; from which state of slavery it was evident, that nothing less than a revolution could rescue them; and if they failed in that experiment, that then their chains would be riveted for ever. Under this melancholy prospect of affairs the nation groaned, and complaints were heard in every corner of our streets; and even the *very Pensioners* in that Parliament were not arrived to such a pitch of impiety, as to take pleasure in the *drudgery* they had engaged in, but acted with reluctance and remorse, and as we have been very lately told in this place, betray'd the cause they had so wickedly espoused, and frequently

quently gave notice to the friends of *England*, of the attempts which were to be made on the liberties of their country. This *pensionary Parliament* was at last dissolved, but on what views, and by what advice, I will not pretend to say. Certain it is, that That Prince never had it afterwards in his power, in a *parliamentary way*, to destroy the liberties of the people. The *resumption of charters* was then put in practice, with many other expedients, towards the establishment of an absolute monarchy, which had been long in view : But by the death of that Prince, and the unskilful conduct of his next successor, an end was put to those designs for that time, the people having unanimously applied the only remedy in such cases, and this brought about the late happy revolution.

I have been often surprized, when I reflected how wanting we were to ourselves upon that turn, in not retrieving and securing for ever, by the claim of rights, our ancient constitution of frequent new Parliaments, which, in my poor opinion, was much more valuable than all that we claimed besides ; but we obtained this in part, by the act passed in the 6th year of the reign of King *William*, and which the bill before us is intended to repeal ; for by that act, we are to have *new Parliaments*, at least once in *three years* ; and even this is such a security to the *British liberties*, that all the objections against *triennial* elections are but very trifles, when compared with that : Therefore I am not a little surprized, when I hear gentlemen say, That the *Triennial Act* is a new constitution, and that the repeal intended thereof, will be but restoring the King in part to his *prerogative*, and setting the constitution a little nearer to what it anciently was ; surely there is nothing farther from the truth of the fact : The ancient constitution was, at least, *annual new Parliaments*, and this was broke in upon, and that breach afterwards continued in the manner which I have already set forth ; and by this act we have no new privilege granted, but only restored in part to those which we always had a right to. But were it in reality a new grant : Shall we give it up only to enlarge the prerogatives of the crown ? May we not, in the same way of reasoning, give up the *Habeas Corpus* act, and all the other privileges and immunities, which have been obtained to the people from the crown, from the date of *Magna Charta* to this very day ? This surely has not been the
good

good old way of reasoning in this place, and I presume, it will meet with due discouragement at this time. I hope we shall, on this and all other occasions, acquit ourselves like *Britons*, and not give up, in *complaisance* to any *ministry*, the smallest, much less the greatest and most valuable privilege of those we represent; and that we shall have the utmost caution in making any step, that may have the least tendency towards that slavery, from which, at the risque of a revolution, and the immense expence of blood and treasure, we have so lately rescued ourselves. I hope yet to live to see the day, when our present gracious sovereign King *George* the first, will have the glory to compleat the entire restoring of our ancient constitution, to which his predecessor King *William* the third, hath made such a considerable advance; and that instead of *triennial*, we shall have *annual new Parliaments*. Then indeed the *British* liberties will be founded on a rock, which the machinations of the worst ministries will never be able to prevail against; and the crown will be frequently and faithfully informed of the sentiments of the people, and be thereby enabled to preserve with them that confidence and good correspondence, so absolutely necessary for the happiness of both: To this I may add, that the inconveniencies from *triennial* elections, will thereby be much more effectually redressed and cured than ever they will be, by passing the bill before us into a law. Upon the whole therefore, I shall take leave to affirm, That we have at present an undisputable right to *triennial new Parliaments*, and a very just claim, for I know of no law that has deprived us thereof, to *annual* elections.

But I have something to urge, as to the *breach* of our *trust* in the passing of this law; it is agreed on all sides, that whatever the ancient constitution might be, yet we were chosen when the law for *triennial Parliaments* was, as it is still, in force; and that we were, and could be chosen only for the term of three years, if his Majesty should think fit to continue us so long; therefore to continue ourselves for a longer term, would be a manifest deceiving of those who chose us, who expected, and could not but expect, at the end of three years to have the opportunity of a new choice, and to alter where they found themselves mistaken. It would also be a very great injustice to many thousands of others, who have a right to

offer their service to their country, and who, for the honor of the nation, I am willing to hope, are in all respects equally qualified for the service with us, who have at present the honor to fill those seats.

If this bill were to enlarge only the continuance of future Parliaments, I should give my negative to it for the reasons I have already mentioned, and yet in that case the electors would have a fair warning for what time they were to chuse, and those elected, would be truly and properly the representatives of the people ; which I conceive cannot be said with truth of the present *Parliament*, if they should be continued beyond the three years : This, to me, is an insuperable objection against this part of the bill ; for if we may add four years to our present term, may we not add forty, may we not make ourselves perpetual ; or even extinguish Parliaments themselves ? Nay, what is it which we may not do, or, after this step, what is it which the people of *Great-Britain* may not apprehend that we will do ? Can we do any thing much worse, than to subvert one of the three estates of the realm, and to substitute a new one in the place thereof, and instead of a house of *Commons* by the choice of the people, as it always has been, and ever ought to be, to establish a *new kind of house of Commons*, and till now unheard of, by act of Parliament ?

The great partiality which all parties in their turns have shewn in the determination of elections, has been too long the general complaint, and one of the greatest blemishes on the justice and conduct of the house of *Commons* ; and 'tis certainly a crying wickedness, and a most dangerous practice ; therefore I am willing to hope that we shall not, by giving our consent unto the bill before us, out-do all that ever was done of this kind by former Parliaments. They have chosen only 30 or 40 members for some particular places, which is a trifling peccadillo to what is now attempted, I mean the chusing of 558 at once, for the whole nation.

It has been said by some who have spoke in the debate,
 “ That we are chosen with full power to consent to such
 “ laws as we shall judge for the benefit of the nation ;
 “ that there are no restrictions or limitations in our powers ;
 “ and that therefore we may pass such new laws,
 “ or repeal such old ones, and the *Triennial Act*, as well
 “ as

“ as any other, as we shall think expedient ; and that by
“ a repeal of the *Triennial Act*, we shall, after the three
“ years, still continue to be the representatives of the
“ people by virtue of their former choice, without any new
“ election for that purpose.” This appears to me to be a
plain begging of the question, and a very fallacious way
of reasoning. I constitute a person my attorney, with very
large and general powers for the term of three years, and,
no doubt, what he shall do pursuant to those powers, during
that term, shall bind me, but what he shall afterwards do
is void ; and it cannot be said, that by the general words
of doing all act and acts in my name, that he is enabled to
add four years more to the continuance of his power. I
know there are great disparities between such powers, and
those given by the people to their representatives in Parlia-
ment : But yet I think, that to the purpose I intend it, the
parallel will hold. I will readily agree, that the powers
given by the people to their representatives are very large, but
I can by no means go the length of some gentlemen, to
think them absolutely unlimited, or that such ill use may
not be made of this power, as to amount to a forfeiture
thereof.

Our histories are full of instances, and we have a very late
one, that *Kings themselves may be guilty of such an abuse of
their power, as to forfeit the same, and give the people a right
to a new choice*, and it will not, it cannot be said, that the
immediate creatures of the people, who have no pretence to
power, but by delegation from them, are more absolutely
their masters, or more independant than the crown itself :
Pray consider, whether we can be guilty of a greater provo-
cation to those we represent, than to deprive them for any
time of being represented by their own choice, and to change
the ancient third estate of the nation, into a new invented
one, unknown to former ages ; and whether they will think
a little sophistry, and a few finesses of arguments, a sufficient
reparation for an injury of so high a nature.

But I have a much stronger objection against this part
of the bill, and cannot help being yet of opinion, That if
it should go through all the forms of an act of Parlia-
ment, pass both houses, and have the royal assent, that it
will still remain a dead letter, and not obtain the force of
a law ; for I am warranted by one of our greatest lawyers

to affirm, " That an act of Parliament may be void in itself ;" and if there are any cases out of the reach of the legislature, this now before us must be admitted to be one ; for what can be more against common sense and reason, than to be a *Felo de se*, to destroy that constitution, or any essential part thereof, upon which our existence in our political capacity depends. I am also supported in this by the authority of learned divines ; I shall mention but one, and I speak it for his honour, the present Bishop of *Bangor*, who has unanswerably made it evident, " That all people have natural rights, and that " a free people have legal ones, which they may justly " maintain, and which no legislative authority whatsoever can deprive them of." And can a free people have a more valuable right, than that of being fairly and frequently represented in Parliament, by persons of their own choosing ? This surely is a right as valuable as liberty itself, being absolutely necessary to the subsistence and continuance thereof.

For the sake of those gentlemen who seem so very fond of the unlimited power of Parliaments (and by which only they can support the validity of such a law, as the bill before us is intended to introduce) I shall mention some cases, to which they themselves will agree, that this unlimited power doth not, cannot extend. As for instance, Suppose, instead of the bill before us, we should pass a law, as was done in the reign of *Richard* the second (the worst Prince that ever sat upon the *English* throne) That the power of both houses should be vested in twelve *great Lords!* or, as was done in the reign of *Henry* the eighth (the first proroguer of Parliaments) That the King's proclamation, with the consent of the privy council, should have the force of law : Or, as in 1641, That the Parliament should not be dissolved or prorogued without their own consents : Such laws as these, through oppression and violence, have been for some time submitted to ; but surely no gentleman will say, that they ever were, or should they be now re-enacted, that they would be legally in force ; for if so, the Parliament of 1641 is still in being, for I never heard that they gave their consents to their own dissolution.

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I will suppose one case more, which has never happened, and God forbid it ever should ! That an act of Parliament should pass to vest the whole legislative authority in the single person of the Prince, to cloath him with an absolute dictatorial power, to extinguish for the future both houses of Parliament, and all other rights and privileges of the people, and to put all things hereafter intirely into the power, and to be disposed of at the will and pleasure of the Prince. I am sure no true *Briton* will ever say, that such an act of Parliament as this would have the least validity or force, or be any wise binding on the people : I am sure it would not, but instead thereof would, in due time, expose the *authors of it to the vengeance of an injured nation* ; which I think is a full proof of what I have affirmed, That the powers given by the people to their representatives, are not absolutely unlimited ; nor the power of the Parliament itself so omnipotent, as some are willing to suppose it : I therefore hope no one will endeavour to support this bill by such arguments as will equally support the cases I have mentioned, and lead us into the most dangerous and unwarranted paths ; and on this occasion I shall take leave to put gentlemen in mind, that *France, Denmark, and Sweden* were formerly free nations ; and what their present situation is, and how they have been reduced thereto, is too well known to need to be repeated.

I have been often much surprized at the boldness of the *Roman* clergy, in introducing the doctrine of *Transubstantiation* ; how they could have hoped to prevail with their good subjects the laity, to believe so monstrous an absurdity, and did not rather dread that it would stagger their obedience, and occasion a general revolt. But our histories inform us, That this was done in an age of the grossest ignorance, and of the greatest corruption of manners : A proper season for such an undertaking ! Accordingly the *Popish* clergy laid hold thereof, well knowing, that if they succeeded in this, their empire was secured, and implicit faith, without reserve, would be thereby forever established ; it being evident, That if this prodigious camel was once swallowed down, it was impossible afterwards that any thing could stick. I cannot suppose, nay, it were monstrous to suppose, that our present *virtuous and UNCORRUPT ministry*, can, by the passing of this bill,

bill, have any design in view parallel to that of the *Romanish* clergy, to plain thereby the way to some other laws, which may be thought necessary to the full establishment of their power. No certainly; they are too well satisfied of the uprightness of their conduct, to stand in need of any indirect supports, and too penetrating, to think they could obtain them in a Parliament, where the majority are so entirely independant of them, and who, in the present and former Parliaments, have approved themselves champions for the liberties of their country: Besides, the present is so far from being an age of the grossest ignorance, that never was learning at so high a pitch, nor men arrived to so noble a way of *free-thinking*, that our motto may justly be, *Nolumus jurare in verba magistri*: We scorn the musty sayings of antiquity, and will in nothing be pinn'd down by the dictates of the learned, of this or of any other age; therefore 'tis impossible to suppose any such design in the bill before us, and yet I am very sorry it hath been attempted, and hope it will never pass, for the reasons I have already mentioned; and also, lest it should give too great a handle to people without doors, to entertain untoward jealousies and surmises, who may be apt to say, That *those who can compliment a ministry with such a law, can never afterwards refuse them any thing.*

I shall, on this occasion, put gentlemen in mind of the great debt with which the nation is incumbered; a burthen which is almost become insupportable, and ready to crush us into ruin; and yet, to our great misfortune, instead of diminishing, it is daily increasing. I have long observed the fatal methods by which this mischief was brought upon us: I was indeed in great hopes, that the putting an eternal stop to the farther increase of our debt, and the settling the most proper measures for the lessening thereof, in such proportions as in a reasonable time might entirely discharge the same, would have been the very first work of the present Parliament, as it was the most valuable for the interest of the nation; but I'm sorry to see it has hitherto given way to so many other considerations, which, how important soever they may be thought, I will be bold to say, when compared to this, are but like the *tything* of *mint* and *cummin*, to the *weightier things of the law*. Surely something must, and very soon too,

too, be done in this matter ; for I am persuaded no man can be so wicked, as to entertain a thought of declaring the nation bankrupt, and paying off this debt with a *sponge*, to the utter ruin of thousands of families ; and as little can I suppose any man so stupid as to sleep securely, whilst the liberties of his country, and thereby his own, and the property of every single person in the nation, is in the most precarious situation ; for, should we, loaded as we are, be engaged in a new war with any powerful enemy, must we not either submit to all the unreasonable impositions of such an enemy, or find some extraordinary means to support such an expensive war ? Will it not therefore be our wisdom to put our affairs, as soon as possible, on such a foot, as to make the second part of the dilemma practicable, without referring to so black an injustice as that I have hinted at, either of *spunging* out all our past debts, or at least of borrowing the funds for the use of the publick, during the continuance of such a war ? This surely is a subject of such importance, that it will justify the speaking of it, either seasonably or not ; nay, I think it never ought to be out of our minds, till something very effectual be done therein ; but I mention it chiefly at this time, to divert gentlemen from passing the bill before us, and continuing the present Parliament beyond the term of three years ; lest what shall be afterwards done in so great and so good a work by this Parliament, if continued, may be liable to objection, from the doubts which the nation may have of the legality of such a Parliament ; and for the same purpose I shall observe, that we seem pinned down for a long tract of years, and indeed for ever, in the methods we proceed in, to a *Land Tax* of two shillings in the pound, and to the *Malt*, to support such a fleet, and such guards and garrisons, as in the profoundest peace I presume, will be always esteemed necessary. The ancient revenues of the crown, applicable to these purposes, have long since been mortgaged and sold away, and if our present unhappy divisions, should for some time require a greater force, for the quiet and security of the nation, even in times of peace, 'tis easy to compute how much higher the aforesaid taxes will rise.

Let gentlemen seriously consider, whether it will not greatly increase the uneasiness of the people, under such heavy

heavy burthens, if they think they are laid upon them by representatives whom they never chose. For my own part, I dread the consequence of such a law, as that which we are now about, and doubt it cannot be long supported in any other manner, than those extraordinary laws were for some time, which I have already mentioned ; and I am persuaded, 'tis far from the design of any in this house, that this law, if it pass, should be supported in that way ; and to make a *standing army* necessary only to support a *standing Parliament* ; for to me they seem to be sister twins, which can only live, and must die together.

I have now given my several reasons against this bill, which appear to me so strong, as would engage my negative to it, were it even in some measure conducive to the ends which are pretended ; but much more when I am thoroughly convinced, that it is so far from promoting those ends, that if ever it pass into a law it will have a tendency directly contrary.

It has been said, “ That three years is too short a time
 “ to effect any thing of great moment for the service and
 “ benefit of the nation : That the first sessions is general-
 “ ly spent and wasted away in the determination of electi-
 “ ons ; in the second something is done ; but that the last
 “ sessions is usually as much lost as the first, gentlemens
 “ minds running so much on the ensuing election, as to
 “ think of nothing else ; and the fear also of disobliging
 “ their electors, on so near a view of a new choice, be-
 “ comes a very great byass to their conduct in Parliament,
 “ to the prejudice of the publick service ; so that in this
 “ short term of three years, there is little more than the
 “ work of one year done.”

I am not a little surprized, that such assertions as these should be made use of as arguments against *Triennial Parliaments* ; because it seems to me to be *protestatio contra factum*, as was said by a very great man of Dr. Sacheverel's speech. It is evident, that the business of the publick was carried on for some hundreds of years by *annual Parliaments* only, and our histories for that time do not acquaint us with any complaints made of the shortness of their duration : And is it not most notorious, that there never were such great things done by any Parliament, as by those which have been holden since the *Triennial Act* ?

Was

Was ever a war so long and so successfully carried on before, and in which this nation bore so great a proportion of expence? Were ever sums so amazingly great, given by any Parliament or Parliaments before, in the like compass of time, as has been done by these *Triennial Parliaments*? I affirm, there has been more given by them for the supply of a single year, than was given in the whole reign of any of the predecessors of the late King *William* the third, and that the expence of the public service, since the revolution, has amounted to more than it did from the first foundation of the *English* monarchy down to that time; and I will venture to add, that they were such supplies, as could have been raised only by Parliaments of a short continuance; for 'tis not supposable, that the nation would have remained quiet under such heavy taxes, had the same been imposed by a *LONG pensionary* Parliament, such as that of King *Charles* the second; but, when they were convinced of the absolute necessity of such supplies, from the concurring sentiments of frequent new Parliaments, they were by this, and, by this method only, could have been disposed to the chearful payment of the same; when this is seriously considered, I am persuaded that no gentleman will say, That *Triennial* Parliaments are incapable of doing great things, when it is true beyond the possibility of contradiction, that they have actually done much greater things than were ever done by Parliaments before: Let us but compute what was done by the long *pensionary* Parliament of King *Charles* the second, and what has been done in a like number of years by *Triennial Parliaments*, and then the Preference will be easily determined: And surely arguments from matters of fact and long experience, ought to be of much greater weight than those, which depend only on conjectural and ill grounded surmises, and a fanciful way of reasoning.

I will agree, that much time is spent, not only in the first but in the second year, in the determination of elections; but if these were all, without distinction, left to the committee appointed for that, it would not make so great a part of the business of the house, as it has of late years done: And if the right of election for the several cities and boroughs were unalterably fixed, and not changed from time to time, with respect to the petitioners and
sitting

sitting members; the work, even of the committee, would be greatly lessened : And I must say, That whenever gentlemen are in earnest disposed to cure this evil, it may be done to the honour and reputation of future Parliaments, and to the saving nine parts in ten of that time, which has of late years been consumed in the business of elections ; and therefore, surely this inconvenience can be no objection against *Triennial Parliaments*, which is not owing to that, but to very different causes ; and which cannot possibly be cured by the repeal of the *Triennial Act* ; but may be done, if not entirely, yet in a great measure, by proper provisions for that purpose.

As to the inconveniencies suggested to the third sessions of Parliament, from the near approach of a new choice : It will be much the same against the second sessions, in which something of business is admitted to be done ; for I see but little difference between the influence which the prospect of a new choice will have at the end of one, or at the end of two years. The objection therefore, as to this purpose, is altogether trifling ; but I will agree, that it has its weight, if it be urged for the *long continuance* ; and greater still, if it be urged for the *perpetuating* the present Parliament ; for then indeed, gentlemen would be freed from all anxiety about a future election, and would be under no restraints, nor have any bias on their minds from the sentiments of those who chose them ; but surely it ought not to be thus, nor is this a compliment fit to be made to the electors of *Great-Britain*, and is far from being a suitable return for the honour they have done us ; and 'tis monstrous to suppose, that we should render ourselves disagreeable to the people, by a faithful discharge of our duty, and doing that which is best for the interest of the nation.

Surely we ourselves, in the first part of this our first sessions, notwithstanding all the time spent in the determination of elections, have been able to find time to give all the necessary supplies for the service of the nation ; but perhaps we have made some discoveries in this age unknown to former ones, we have a glimpse of some light undescribed before, yet it will still be true, that this light has sprung up but very lately among us. And although this consideration cannot weaken the real strength of the argument, yet it lays it under the imputation of novelty, and will

will be a full justification of the integrity, if not of the sagacity, of those who shall persevere in their opposition to the bill.

As to the failure in the *Triennial Act*, of answering the expectations of the nation, it has been only asserted in general terms, and I cannot easily guess at what is particularly meant; for it has certainly answered all the ends which, from the preamble of the act, we can apprehend to have been expected by the makers thereof, or which indeed, in the nature of the thing, could have been expected from it; for surely the grievance which had been felt, of a very long Parliament, is thereby redressed, and the constitution of *frequent new Parliaments*, in part, retrieved, and brought nearer to what it anciently and originally was.

As to the increase of *bribery and corruption* in elections, since the *Triennial Act*, it is impossible it can be owing to that law, or that it would be any wise diminished by a repeal thereof; and in fact, the increase of *bribery and corruption* in elections may have happened since that law, and yet be no wise a consequence thereof; 'tis contrary to common sense to imagine, that those who would purchase their seats in Parliament, would give more for a *triennial* than for a *septennial* one, or for a *continuance during life*; or that such electors, who will sell their voices, have not arithmetic enough to proportion their prices, to the times they chuse their representatives for; therefore this objection against the *Triennial Act* is certainly very frivolous, unless something much farther be intended, than I believe any *Briton* has yet the courage to speak out, I mean, unless it be intended, before the expiration of the seven years, to add a farther term by another act, and so on: Then indeed there is an effectual stop put to all future bribery and corruption in elections, and the last election which the people had, was to be the last they ever were to have.

This brings to my mind a very scandalous pamphlet, which came out a little before the election of the present Parliament. I think the title of it is *English Advice to the Freeholders of ENGLAND*: This author takes great pains to divert the people of *England* from chusing a certain party of men, whom he unjustly paints in very black colours; and, amongst others, there is an expression to this effect:

effect: "Don't give your vote for one of these people, whatever they may offer you, for depend upon it, if there should be a majority of them in Parliament, it is the last vote you will ever have the opportunity to give." I am persuaded, 'tis far from the intentions of any gentleman here, to contribute to the credit and reputation of that author, by giving even a colour of probability to the truth of any of his *predictions*; and this I hope will also have some weight to prevent a repeal of the *Triennial Act*; since that will have the air of the first bold step towards the fulfilling of this wicked *prophecy*; and the making use of the argument I have been endeavouring to explode, will not a little heighten the suspicion; it being evidently of no force, in any other view, but that of carrying the matter to the length which this author has foretold. But surely gentlemen need not thus hunt about, either for the cause or the cure of *Bribery and Corruption* in elections.

On the late happy revolution, by which our religion and liberties were preserved, we were unavoidably engaged in a very expensive war; and had it been carried on by supplies within the year, as it is evident it might have been, our war and our taxes would have ended together; and we should have been then as able, when justly provoked thereto, to begin the second war, as we were to undertake a first. But, unhappily for *England*, this method was not pursued, but instead thereof the nation was by piece-meal exposed to sale; and *execrable* surely will their *names* be to *latest posterity*, who at first began, or have been since, the chief supporters of this accursed practice, by which one third part at least of the great sums given, have been lost to the service of the nation, which now remains loaded with a debt of *fifty millions*; besides, at least the sum of *seventy millions*, which has been actually raised and paid. From hence it followed, that by the great burthens on our trade, a new spring of commerce more secure and beneficial having arisen, I mean the *public funds*, almost the whole numerous body of our wealthy *English* merchants, who were formerly the glory of our own, and the envy of other nations, have thrown all their money into this new channel, and have left the ancient trade, from which *only* the wealth of the nation can arise, to be carried on by men of small fortunes, who, trading only upon

upon credit, are little more than factors for the manufacturers of *England*, who by this unnatural transmigration, are now become the merchants of the kingdom ; and under these disadvantages a great part of our trade, which was formerly carried on with vigour by our own, is now fallen into the hands of foreign wealthy merchants, and I am afraid irreparably lost to us ; the inevitable consequence of which hath been, ruin to thousands and thousands of *British* families. And 'tis as evident, that by the long continuance of the land and malt taxes, and the high prices of all things, by the addition of new excises, the greater part of the middling gentry of the kingdom are half undone ; and even our greatest Commoners, and the nobility themselves, have very sensibly felt these pressures upon the public ; and if the distress, more or less, has become almost universal, no wonder if it has plained the way to bribery and corruption, and disposed those who had the opportunities of doing it, to partake of the general plunder, and to repair their own at the expence of the public losses.

The *funds*, as I am informed, produce above three millions yearly, towards the interest, and sinking of some part of the principal of our debt: This great additional revenue, though the property of private persons, is entirely under the management of the officers of the crown, and thereby a dependance vastly greater, on a ministry, has been created, than ever was before, or could otherwise have been ; and what influence this had on our elections throughout the whole kingdom, the acts of Parliament which have been made to prevent the same, sufficiently proclaim: We have now an *army of civil officers*, as dangerous as any *military force*, entirely at the *devotion of a ministry* ; and although we may run no risque from this, in the hands where his Majesty has now placed the administration, yet we have formerly been, and may again be in peril from this adventitious power, of the total loss of our constitution.

The short of the case seems to me to be, That some ministers have by their conduct gone a great way to beggar the nation ; and others have corrupted those who have been so undone: And in this happy situation of men and things, the public money has been employed to corrupt electors, and returning officers, and thereby have filled

some Parliaments with the creatures of a ministry, and many have likewise expended vast sums of their own, when they saw it necessary, to get or secure a place ; and by this means these *Parliaments* have been filled with great numbers of *mercenary troops*, whose names were scarce known in the counties where they were chosen, and without any family interests of their own, or the assistance of those who had ; and if there has been any bribery on the parts of those who have opposed such men, as perhaps there may, it has been occasioned by the vile arts which have been put in practice against them : So I think I may truly affirm, That *bribery* and *corruption*, in elections, have not followed as any consequence of the *Triennial Act*, but from causes widely different ; and that the foundation thereof was at first laid, and has been since improved and carried on by *wicked and designing ministers*. As to the cure of this evil, I am afraid it cannot be thoroughly effected whilst the nation labours under the present heavy load of debt ; and for this, and many other reasons, it does not a little concern us, to make all the progress we possibly can in so great and so good a work, as is the discharge thereof.

As to the heats and animosities, which are likewise charged to the account of the *Triennial Act*, and the burthen and grievance of frequent expensive elections, I shall readily agree, That the frequency of elections, is directly intended and designed by the *Triennial Act*, to prevent the mischievous consequence of *long continued Parliaments* : But surely no one will say, That this, simply and abstractedly, is a burthen or grievance ; and as to the great expence in elections, and the violent heats and animosities about them, they are not in the least owing to the *Triennial Act*, as I have already shewn : And I presume no gentleman would desire to extinguish the ancient *English* hospitality, for which the nation has been so long famed ; nor can any man imagine it more possible to cure all heats and animosities in elections, than to prevent contentions about them, which the laudable ambition of serving the nation hath formerly kept up, and I hope it will do so again, without the help of any other motives ; but besides, I am persuaded, that contentions arising from so worthy a principle, and the old *English* hospitality, will do no harm. It is strange that any one gentleman can
fancy,

fancy, that the passing the bill before us into a law, would cool our heats, and settle us all in tranquillity ; it seems to me to be calculated for the direct contrary purposes, to blow up the flame, and to fill up the measure of the nation's discontents ; for 'tis impossible to conceive, that the electors of *Great-Britain*, of whatever party or denomination they may be, will not be highly incensed by such a law as this ; and if they should universally turn their resentments against those, who without their choice have made themselves the representatives of the people ; I leave gentlemen to judge, whether this would not be an animosity of a much more dangerous consequence, than that which we are pretending to extinguish by this bill.

It is also urged, That these frequent elections are a great encouragement to the *idleness and debauchery* of the *meanest and lowest* of the people ; opportunities only to gratify the drunkenness and lewdness of the mob. I am sorry that there are any excesses, to give foundation for this complaint ; but surely the evil proceeds from the same cause, and must be cured in the same way with those others which I have already taken notice of, to have been objected to the *Triennial Act*. And I mention this now, only to observe, what *pretty epithets* are given to the *electors* of *Great-Britain*. It was with concern that I heard them lately treated in this manner in another place, but could never have believed it possible to have heard any thing like it hinted within these walls. How low and mean soever they may be, they are still the people of *Great-Britain*, and we are one of the three estates of the realm, by a power derived and delegated from them. And are we then only the *representatives* of a *lewd, drunken, debauched mob* ? To paint out the *Commons* of *Great-Britain*, in such contemptible colours, is surely doing great dishonour to ourselves, and is equally ungrateful and unjust to them. I think we represent all the *Commons* of *Great-Britain*, and surely amongst them there are many thousands every way as well qualified to fill these seats, as we who have now the honour to do it : And even as to those of an inferior rank, it must be owned, that they are a *brave* and a *gallant people* ; and when we compare them with those of other countries, we have reason to be in raptures with our own

happy constitution, which has made such a difference between them and other men : They are bred up from their cradles with deep impressions of liberty, and have their properties fenced in and secured by law ; and by their representatives in Parliament, they have the honour to share, even in the *legislative authority* ; and 'tis this gives our people the spirit and resolution of the ancient *Romans*, by which our nation has obtained and preserved its great character in the world.

It is thus we ought to describe the people of *Great-Britain*, and we shall then only do them the justice they deserve : But if, on the contrary, we shew an inclination to depreciate their value, and seem to be ashamed of those we represent, will it not, especially if we pass the bill now before us, give the strongest jealousy, that we intend to represent them no more, but to set up for the future, *a third estate entirely independent of them*. And this jealousy will be still encreased, by what has been with too great freedom discoursed of without doors, That people must be governed by their fears, and surely so they must, if this bill pass ; for I think it will be scarce possible afterwards to govern them by LOVE. Unhappy *Britain* ! to have brought forth children so unnatural, as to treat thee thus : For whatever may have been put in practice in former times, the doctrine of slavery was never so openly avowed before : What, *govern a free people by their fears* ! monstrous expression ! and certainly a formed design corresponding thereto, is an act of treachery, as foul and black as a *Briton* can be guilty of : An high crime and misdemeanor it certainly is, I will not call it high treason, because I know no law of the land which has yet declared it so.

The argument which I shall next take notice of, is that which seems to me to be mentioned as the chief inducement in the preamble of the bill, and which has been chiefly insisted upon by the gentlemen who have spoken for it ; “ Because of the danger from the general discontents, and great disaffection of the people, which some gentlemen are apprehensive, were a Parliament now to be called, would produce a majority of very different sentiments from those who now compose it : Others, who think better of the inclinations of the people, believe, that this wicked work could not be accomplished

“ accomplished without the help of foreign money, to
 “ bribe and corrupt the electors of *Great-Britain* ; but
 “ upon the whole, are of opinion, that the thing would
 “ be effected, and that instead of the present excellent
 “ house of Commons, so devoted to the true interest of
 “ their country, and to the support of his Majesty, and
 “ the Protestant succession, we should greatly risque the
 “ having such a Parliament as would be ready to call in
 “ the Pretender, and to deliver up their country to Popery and arbitrary power ; and therefore those who are
 “ against the bill, are charged with contributing to this
 “ design, although they are charitably believed no wise to
 “ intend the thing.” And this I think is the full import of what has been said by gentlemen on this head of argument.

As to the danger which some gentlemen imagine of an ill Parliament, were it now to be chosen, from the help of *French* money, it is, in my opinion, a reproach to the present ministry, to fancy that they would be outdone, or outwitted by *France* in this, or in any other way ; and I think that the defeating of such an attempt, is the only case in which a ministry might unblameably apply the public money, in the business of election : I wish it never had been, or may be done on any other occasion. But why do gentlemen believe, that the *Regent* of *France* will meddle in our elections ? Surely not long since, he had a much better opportunity to have distressed us, had he been so disposed. On other occasions we hear, I mean without doors, of the good understanding between his Majesty and that Prince ; and that the Pretender will very soon be obliged to travel beyond the *Alps* ; and this certainly is highly probable, if the *Regent* have any expectations of being himself one day *King of France*. I shall say no more of this, and believe, those who made the objection, scarce expected that any one would have taken so much notice of it.

As to the danger of an ill Parliament, from the great disaffection of the people ; this, I confess, is a most extraordinary and surprizing argument, and such as I never thought I should have heard in this place : For it is an open declaration and acknowledgment, that the people of *Great-Britain* are not truly represented at this time ;

that the present house of Commons are the supporters of the liberties and true interest of the people, which the people themselves are endeavouring to destroy, and would effectually do so by a new choice; and therefore they are to be treated like *indiscreet children*, and not to have their frowardness humoured at the price of their undoing. This indeed is telling the people of *Great-Britain*, in the plainest terms, That as they are not at present truly represented by those whom they did chuse, so for the future, they shall be represented *without any choice at all*. If this be the way to ingratiate with the people, what is it which can give them a disgust? No, certainly this must make it absolutely necessary to govern them by their fears, and to take such measures as are proper for that purpose; a design so black, that I cannot suppose it has yet entered into the heart of any *Briton*.

It is amazing to hear this very suggestion, in my opinion far distant from the truth, not only on the present, but on other occasions, so frequently made use of as an argument; for were it really true, can it be any service to the public to be making daily and hourly proclamation thereof? For can this be a proper and a likely means to strengthen the hands of his Majesty, and his faithful subjects, or to weaken those of the Pretender, and his foreign and domestic friends, to publish to all the world (for what is said in this place can be a secret no where) that the disaffection to his Majesty is very general, and the party of the Pretender so considerable in the nation, as to risque another rebellion in his favour, if they had the opportunity of assembling together in numbers on a new election, or any other opportunity equally propitious to their purpose; and if this did not happen, that still there would be danger, that the majority on a new election, would be in the interest of the Pretender; and that this would not be less, perhaps might be more fatal, even than a rebellion. A bill founded on such surmises as these, and supported with such arguments, is highly dangerous, and if it passes into a law, its title ought to be, *An act for the most effectual encouragement of the Pretender and his allies, to invade this kingdom*; in my conscience I believe it so, and so it will be found if this bill should pass into a law.

I believe

I believe it will be admitted, that from the first establishment of the succession, until it happily took place, a vast majority of people expressed the greatest zeal for it, and satisfaction in it; that from the death of the Queen to the arrival of his Majesty, the nation was never known to be in a greater calm. That the Parliament then in being, unanimously settled the civil list for the support of the dignity of the crown, and completed what was wanting for the supplies of the year; and whatever faults they might have been guilty of before, there was nothing now wanting in the expressing of their duty; and it has been surmised, that some persons whose zeal for his Majesty cannot be suspected, were not a little apprehensive, that That Parliament, and the party of which their majority was composed, would, to make amends for their past conduct, go too great lengths in their *complaisance* to the crown; and that for this very reason, it was dangerous for the nation that his Majesty should ever meet them; but whatever the reasons were, certain it is that his Majesty saw them not. The joy on his Majesty's arrival was as great and universal, as was ever known in *Britain*; and from hence I think I may fairly conclude, that if there be such a disaffection as is suggested, since it was not before, it must have happened since his Majesty's arrival; and if this can be imagined possible, it must be then agreed, that such a general disaffection is an effect too considerable to be produced without any, or by a very slight cause; his Majesty surely can be no wise the cause of so surprizing a change, as is surmised, in the inclination of his people; therefore, if there be such a disaffection, it can be only to the ministers, and produced from something really ill, or which is apprehended to be so, in their conduct. I am persuaded, that they themselves have too much modesty, not to agree, that 'tis much more reasonable to suppose a disaffection to them, than to the person of the King; and I doubt not but this house will always *distinguish*, as they have hitherto done, *between the Sovereign and the ministers of state*.

But, in justice to the present ministry, we must conclude, that the disaffection to them is occasioned only by imaginary, and not by any real evils done by them; and we have great reason to hope, that by their wise and pru-

dent management, they will be able in a very little time, to undeceive a mistaken and deluded people, and thereby regain those affections, which, for the present, they apprehend to be lost to them. And if they should fail in this, I am persuaded, from their great *zeal for the quiet of the King, and welfare of their country*, from their *known disinterestedness*, their *generous contempt of advantages to themselves*, and from that *ancient heroic Roman virtue*, which so visibly appears in every part of their conduct, that they themselves would become suppliant to his Majesty, for liberty to retire from the burthen of their trust, and to repose the same in such hands, as might put an end to the disaffections which are now complained of. And I am the more confirmed in this opinion, because I myself have heard some of the greatest men now in power, before they were so, express themselves in such a manner, as left me no room to doubt of the sincerity of such a disposition.

There is yet one part of the objection which I have not touched upon, the danger which is apprehended of an invasion from abroad, and the insurrection at home, should a new Parliament be called at this time, and this, I think, is the only thing which I have heard mentioned, which has the colour of an argument for a longer continuance of the present Parliament; but I believe, when it is a little examined, it will appear to have the colour only, and to be *vox & præterea nihil*. I think I have already made it evident, that there is no such disaffection to his Majesty, or his royal family, as is suggested, and if there be not, then the danger of any invasion or insurrection on that supposition, falls entirely to the ground. But even admitting the disaffection to be as it is suggested, 'tis still agreed, that the whole nation is not disaffected, but only some part thereof; and that therefore the meeting together, on the occasion of elections (which are not made all on the same day) would consist of mixt multitudes of well and of ill-affected persons, so that the former might balance the latter.

But admitting that not only the disaffection is, but that the calling of a new Parliament at this time, would be, as the same have been represented, yet this will not prove that there's any necessity at this time for the passing

sing the bill, which is the subject of our present debate. I do most readily agree, that if this Parliament were to expire in a very short time, and that the public meeting of the people would really be of such a dangerous consequence in the present juncture, as has been mentioned; that then absolute necessity, which always has been, and ever will be, a justification of extraordinary steps, would equally justify the prolongation for a time of the present Parliament, in the manner now proposed; and no doubt but that the next succeeding Parliament, convened in the usual legal manner, would approve and confirm what should be done in this, on so pressing an occasion. But surely it will no wise follow, because this might be done in a case of absolute necessity, that therefore it may or ought to be done, when there is no necessity at all. And it is evident, that there is no immediate necessity for the passing of this law, since, notwithstanding the length of the first, his Majesty may still have two sessions more of this very Parliament; and will it not be time enough to pass such a law in the last sessions, if it should then appear as necessary as it is now pretended to be? And therefore admitting every thing which has been alledged, there is not the colour of a necessity for such a law at present; and this gives me strong suspicion, that there is a *snake in the grass*, and that we have not yet been acquainted with the true reason of so unprecedented an attempt. Certainly no gentleman can be afraid of what every gentleman must wish, that before the end of another year, our ferment will subside, and the nation be restored to a perfect calm, which would entirely take away all pretences of doing what is now endeavoured: Or, that the unanimous voice of the *electors of Great-Britain*, against such a law, would, before another session, be found too strong to be resisted by their representatives, and that gentlemen, upon a more mature consideration, might come to think very differently of this matter from what they at present may; and that therefore this great master-piece must be struck off at one heat, and that now or never must be the word: Or may not others without doors be apt to suspect, that this law is really intended to encourage the Pretender to invade, and his secret friends to shew themselves in public, by soothing them up in the hopes and belief of the greatness of their

their numbers ; and by leading them into that snare, have an opportunity of discovering and crushing them as thoroughly in *England*, as we have lately done in *Scotland* ; and thereby secure for ever the peace and tranquillity of the whole kingdom ? For it is impossible to imagine, that such encouragement would be given to the Pretender or his friends, as seems to be done by the preamble of this bill, and the debate of this day, if those who were for the bill were not entirely satisfied, that a new rebellion, if it should happen, would be attended only with the consequences I have just now mentioned. How right a design of this kind may be in politics, I will not pretend to determine, but will venture to affirm, that it is entirely inconsistent with the Christian religion, and the principles of humanity, common to all mankind.

But besides, I think an experiment of this kind much too dangerous to be try'd ; for when the fire is once kindled, no human wisdom can tell how much it may consume. And although we have happily suppressed the late unnatural rebellion, yet, I am persuaded, no wise man can wish, to serve any end whatever, to see the nation exposed again to the risque of such another attempt, although it should be as ill concerted at home, and as little supported from abroad, as the last seems to have been. Such motives as these, therefore, can surely prevail with no body, and yet I am not able to guess at those which should : And where no visible reason does appear, for so violent and needless a precipitation, there must, and will be great variety of conjectures at those which are not seen.

Another argument seems to have great weight with gentlemen for the passing of this bill ; “ That it will encourage foreign Princes and states to enter into alliances with us, when they see a certain fixed administration, on which they may depend ; for that at present they look upon us to be in the nature of a *Triennial government*, a new Parliament being usually attended with a new ministry, and a new ministry with new measures.”

I believe that this is the first, and I hope it will be the last time that ever an argument of such a nature was advanced, or would have been endured in any *English* or *British*

British Parliament. We have hitherto been able to form great alliances, and to do great things, on the foot of our ancient constitution ; and are we now sunk to a condition so despicably low, as to be obliged to model it to the genius or humor of any of our neighbours ? Can a *Briton* hear this with patience ? Absolute monarchy, and despotic power, have no doubt, in some conjunctures, the advantage of our form of government ; but shall we, for the sake thereof, give up the most valuable constitution upon earth, so adapted to the spirit of our people, and so well suited, in the general circumstances of life, for the welfare and happiness of a free nation, and by which we have hitherto shone forth with a distinguishing lustre, from all other countries in the world ? But as to the argument itself, why do gentlemen imagine, that *Triennial Parliaments* necessarily infer a *Triennial Government* ? Surely the executive power is intirely in the Prince, there the laws of the land have placed it, and there I hope it will for ever remain : The power of peace, war, and alliances, are the undoubted prerogatives of the crown, and no Parliament, I hope, will ever pretend to dispute the same. The stability therefore of our government, as it relates to foreign nations, depends intirely on the Prince ; and I believe our ancient allies never had, nor had reasons to have, a greater reliance on any *British* Monarch, than on his present Majesty, who so worthily fills the throne ; and I hope that reliance will never be transferred from him to any ministry, supported by any parliament whatever ; which, I think, would be of the most dangerous consequence to the royal dignity, the liberties of the people, and to the true interests of all our sincere foreign friends. But I am also at a loss to find out any necessary connexion between a *new Parliament* and a *new ministry*, were there any weight in that objection ; for, are not the public employments in the disposal of the King, and whilst they are executed to his satisfaction, will be continued in the same hands ? And when they are not, it is unfit they should. And whatever changes his Majesty may at any time happen to make, I am persuaded they will be always such as will be most for his own service, and the welfare of the kingdom, And I must declare the same opinion as to employments, as I have done with relation to seats in Parliament ;

That

That there are great numbers in *Britain*, every way as well qualified for them as the present possessors ; and how great soever my esteem may be for the *present ministry*, I can't carry my compliment so far as to think, that the nation would be *undone* if they were *laid aside*. But if by the passing of this law the present ministry should be effectually established, which is more than any man can pretend to prophesy, what encouragement could this in reality give to the forming of foreign alliances ; when by the same law 'tis fully insinuated, and plainly admitted in the present debate, that the affections of a very great part of the people are lost to this very ministry ; for my own part, I think it is doing them the greatest wrong, and furnishing foreign Princes and states with the strongest arguments against entering into any alliance with us. For it is not their being supported by a majority of this house that will be any substantial encouragement, if it is believed that a majority of the nation are in very different sentiments.

Five hundred and fifty eight gentlemen of *Britain*, abstractedly considered, were they all unanimous, bear but a small proportion to the numbers in the nation ; but when they sit within these walls, cloathed with the authority of the people, and are thought to speak their sense, 'tis then indeed that they will have the full weight of the Commons of *Great-Britain*. It is evident, that the present ministry and Parliament were in being when the late rebellion broke out, and that notwithstanding all other proper measures, six thousand *Dutch* troops were thought necessary towards the suppressing thereof ; they had not certainly been otherwise sent for, nor would any *Briton* have dared to have given such advice ; what judgment then must that, and other states and Princes form from hence, of the situation of our affairs, especially when by this law we proclaim aloud, that our heats and animosities do still continue, and that there are still very dangerous dispositions towards a new rebellion ; and if this be an encouragement to enter into, and depend upon our alliances, I know not what can be a proper discouragement.

I am therefore in hopes that this bill will not pass ; instead of such extraordinary and unnatural projects as these, there are others that deserve our attention. I think it
would

would be a design worthy of a *British* Parliament, to concert and execute the most proper measures for the healing up of our breaches, and uniting our minds for the common interest and safety of the nation. The first step absolutely necessary towards this great work, seems to me to be, the forgetting all past party-quarrels, and extinguishing for the future those odious names of distinction, which have been so long, and so unhappily kept up. And I will venture to say, that this expedient towards unanimity, is much more christian, less dangerous, and, though difficult, yet much more practicable, than the extirpation or total suppression of either of the contending parties, which the unthinking furioso's of both seem to be too fond of.

I would not have gentlemen discouraged, in endeavouring what I recommend, from any difficulties which they may conceive therein; for surely *there was a time, and not long since*, when this blessed work could not have miscarried; I hope it is still practicable, or else the nation will be soon undone; for, we are sure, that a kingdom divided against itself will be brought to desolation. But as to the possibility of the thing, let me put gentlemen in mind of the great heats and animosities, which were raised and continued, by the unexampled violences and cruelties of a long and bloody civil war; yet these were all appeased in the very beginning of the reign of King *Charles* the second, after his restoration; the history of that time being sufficiently known, I need not repeat the measures which were then taken: Certain it is, the nation enjoyed a calm for many years, our trade flourished, our wealth encreased, and we were both, in the literal and allegorical sense, a land flowing with milk and honey; and this I hope will be again our case. I would also recommend the payment of our public debts, or at least of putting them in a way of being discharged in some reasonable time; for till this is done, we are, in my opinion, in a state of the greatest insecurity; for what foreign Prince or state, will either court the friendship, or dread the enmity of a bankrupt people? For though particular persons are really rich, the nation, whilst loaded with a debt of fifty millions, is undoubtedly very poor; and is it not a melancholy consideration, that when the individuals are very wealthy, that yet the nation should be

be very weak ; this is indeed a paradox ; but greater still, that men can be so infatuated, as to sleep secure under a government, which can scarce be said to be in a condition of giving them protection, and that too when it is in their own power to redress the evil.

Before I sit down, I must observe, that this bill is brought in by no order of this house, nor has arose on any motion in it, but is a *present* sent us by the *house of Peers*. I do not say, that their lordships have not a right to send us this, or any other bill they please, a money bill excepted ; but since it chiefly, if not wholly, relates to our own, and the rights and privileges of those we represent, it would more naturally, in my opinion, have had its commencement here ; and this consideration inclines me to believe, that it had not been easy to have found one among us, who would have been willing to have made himself remarkable, by being the first mover of so extraordinary a law, so likely to disgust a vast majority of the people. But there are other reasons assigned, and pretty freely talked of without doors, for beginning this bill in the house of Lords, that thereby time would be got, and *proper arguments applied*, to convince gentlemen of the necessity of this law, who, when it was first spoke of, seemed to be very much prejudiced against it ; and 'tis said, that there has been great pains taken for that purpose, and not without success. But 'tis said, that the main reason against beginning it here, was to take off that byass, which was apprehended might be upon the minds of gentlemen, from the doubtfulness of its fate in another place ; for though the Lords have, we have not an inheritance in our seats, but depend for a continuance of them in future Parliaments, on the good opinion of the electors of *Great-Britain* ; and to *deprive them of the right of frequent elections*, which they are *now entitled to by law*, cannot be supposed a proper *recommendation* to their favour ; and it was therefore convenient to remove this stumbling-block out of the way, that the advocates for the bill might argue and vote with greater assurance. But I hope the resolutions of this day will fully make appear, how false and groundless these and such like suggestions are, and that we cannot be deterred from a faithful discharge of the trust reposed in us, or influenced against it, by any motives or considerations whatsoever ; and that

that those gentlemen particularly, who have sat long in Parliament, and on all occasions have so worthily distinguished themselves, by being the greatest advocates for the rights and liberties of the people, will at this time shew the world, that they continue fixed and steady to the principles they have always professed. *I therefore hope, that a law which even the worst ministry, in the worst of Parliaments, never had the wickedness to attempt, will not actually be established under the BEST administration, and in the BEST Parliament with which this nation was ever blessed.*

The End of the SEVENTH VOLUME.

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guilted themselves, by being the greatest advocates for the
rights and liberties of the people, will at this time show
the world, that they continue fixed and ready to the
principles they have always professed. I have the honor
to be, Sir, your obedient servant, in a manner
of Parliament, never had the opportunity to witness
not a single day, and under the best circumstances
and of the House of Commons with which this nation has

Volume 2 of the SEVENTH VOLUME.

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